DOCUMENT RESUME

ED 395 868 SO 026 237

| | |
|---|---|
| AUTHOR | Croddy, Marshall, Ed. |
| TITLE | The Streets, the Courts, and the Community. |
| INSTITUTION | Constitutional Rights Foundation, Chicago, IL.; Constitutional Rights Foundation, Los Angeles, Calif. |
| SPONS AGENCY | Office of Juvenile Justice and Delinquent Prevention (Dept. of Justice), Washington, D.C. |
| PUB DATE | 92 |
| CONTRACT | 85-JS-CX-0007 |
| NOTE | 67p. |
| AVAILABLE FROM | Constitutional Rights Foundation, 601 South Kingsley Dr., Los Angeles, CA 90005. |
| PUB TYPE | Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052) |
| EDRS PRICE | MF01/PC03 Plus Postage. |
| DESCRIPTORS | Citizenship Education; *Civil Law; Civil Rights; *Correctional Education; *Correctional Institutions; Courts; *Criminal Law; Elementary Secondary Education; Instructional Materials; *Juvenile Justice; *Law Related Education; Lawyers; Learning Activities; Prisoners; Social Studies; Teaching Methods |
| IDENTIFIERS | Constitutional Rights Foundation; *Street Law |

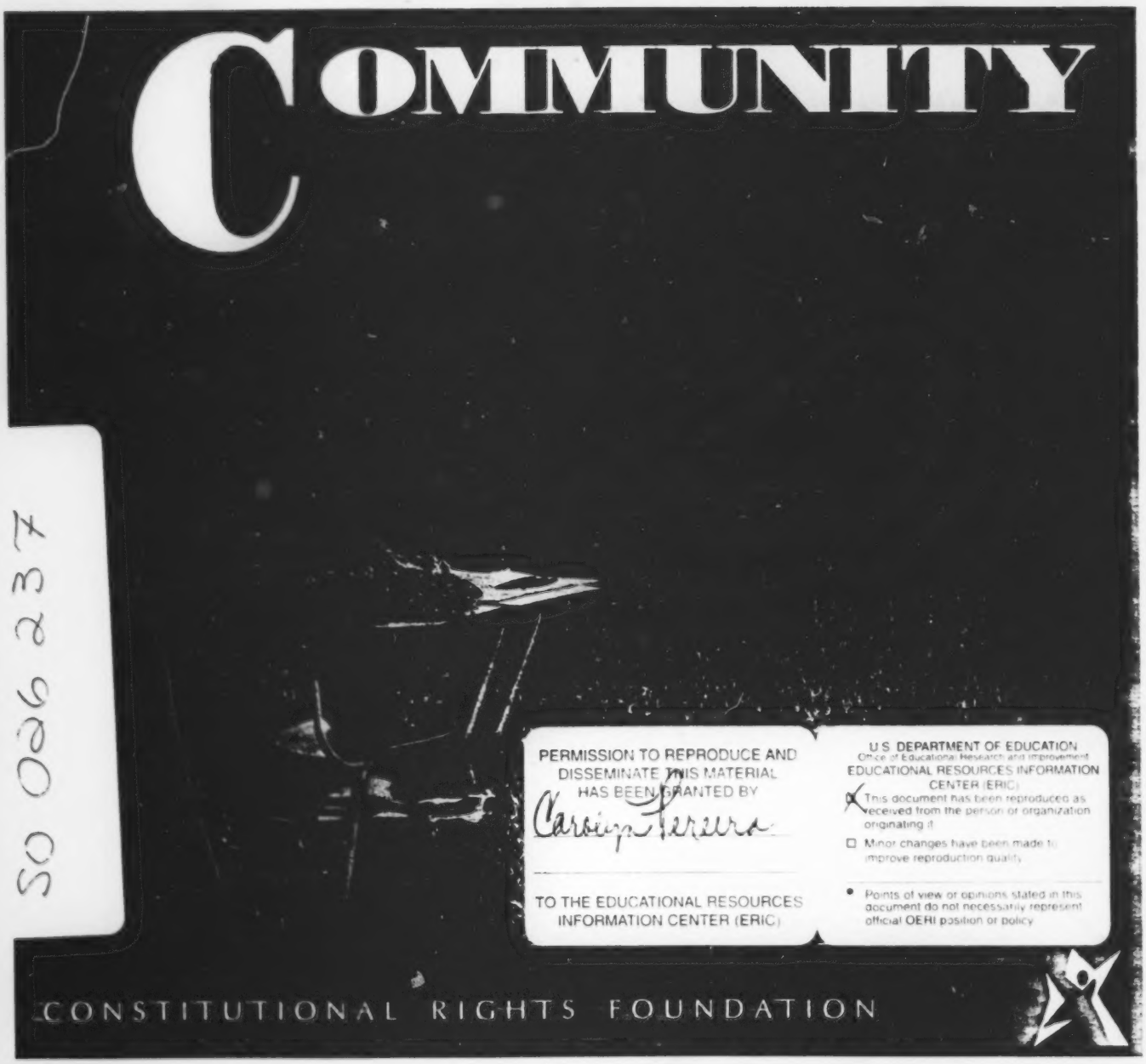
ABSTRACT

Developed specifically for use in juvenile corrections facilities, this law-related curriculum acquaints students with important aspects of the criminal and civil justice systems. The criminal justice lessons in the curriculum are designed to help students better understand how the system actually works; the effect of crime on its victims; the roles played by the police, attorneys, judges, and probation officers; and the differences between the adult and juvenile justice systems. These lessons use interactive strategies to show how the legal system combines values, rights, and responsibilities. The civil law section includes lessons about small claims court, landlord-tenant laws, employer-employee relations, and attorney-client relations. The goal of these lessons is to provide practical information about the law, to help make the legal system more understandable, and to help the students see through active participation how the legal system works in a variety of ways. The curriculum also includes a lesson about resolving personal conflict. It gives students an opportunity to learn skills for managing conflict in their own lives in a constructive way. Each of the 10 lessons begins with step-by-step instructor's procedures followed by reproducible student handouts. The lessons contain readings and interactive learning strategies for use in the classroom. (LH)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

ED 395 868

# THE STREETS THE COURTS AND THE COMMUNITY



SO 026 237

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
Carolyn Pereira
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☒ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

CONSTITUTIONAL RIGHTS FOUNDATION

# Streets, the Courts, and the Community

**Published by the Constitutional Rights Foundation**

**Developed by:**
Bill Gallegos
Carolyn Pereira
John Shannon

**Edited by :**
Marshall Croddy

**Reviewed by:**
Peggy Saferstein
Marjorie S. Steinberg
Daniel H. Willick

**Production and Design:**
Andrew Costly
Gary Bernard

**CONSTITUTIONAL RIGHTS FOUNDATION**
601 South Kingsley Drive
Los Angeles, CA 90005
213/487-5590
Executive Director: Todd Clark

**CONSTITUTIONAL RIGHTS FOUNDATION/CHICAGO**
407 South Dearborn Avenue
Chicago, IL 60605
312/663-9057
Executive Director: Carolyn Pereira

---

Prepared under Grant #85-JS-CX-0007 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice

Opinions expressed in *Streets, the Court, and the Community* do not necessarily reflect those of the Office of Juvenile Justice and Delinquency Prevention.

Copyrights, 1992
Constitutional Rights Foundation, Los Angeles

# INSTRUCTOR MATERIALS

## Introduction

***Streets, the Courts, and the Community*** is a law-related curriculum developed specifically for use in juvenile corrections facilities. It is designed to acquaint students with important aspects of the criminal and civil justice systems.

The criminal justice lessons in ***Streets, the Courts, and the Community*** will help students better understand how the system actually works; the effect of crime on its victims; the roles played by the police, attorneys, judges, and probation officers; and the differences between the adult and juvenile justice systems. These lessons use interactive strategies to show how our legal system combines values, rights and responsibilities. The lessons give students the opportunity to examine their own values and apply them to different situations.

The civil law section of ***Streets, the Courts, and the Community*** includes easy-to-use lessons about small claims court, landlord-tenant laws, employer-employee relations (both the landlord-tenant and employer-employee sections include discussions about anti-discrimination laws), and attorney-client relations. The goal is to provide practical information about the law, to help make the legal system more understandable, and to help the students see through active participation how the legal system works in a variety of situations.

The last lesson in this text is about resolving personal conflict. It gives students an opportunity to learn skills for managing conflict in their own lives in a constructive way.

## Features

The ten lessons in ***Streets, the Courts , and the Community*** are contained in one volume. Each lesson begins with step-by-step instructor's procedures, followed by reproducible student handouts for use in conducting each lesson. Lessons contain readings and interactive learning strategies for use in the classroom. Lessons may be completed in one class session, but the length can vary, depending on the learning level of the students. The lessons have been designed specifically so they can be altered to fit many classroom situations. While it is recommended that students be exposed to all of the lessons, each lesson can stand alone.

An additional feature of these lessons is the **Teacher Talk** section. Teacher Talk consists of innovative teaching suggestions from teachers who have used ***Streets, the Courts, and the Community***. We think you may find many of these tips useful in modifying the lessons to suit the needs of your classroom.

## Law-Related Methodology

Law-Related Education (LRE) provides young people with the knowledge and skills for informed, responsible participation in society. In addition to increasing students' awareness of the justice system, there is evidence that LRE helps develop interest in civic participation, decision-making, and critical thinking. LRE relies on interactive teaching methods used to involve students positively in the learning process. These lessons use a wide variety of teaching methods, but all are designed to encourage active participation.

Studies have shown that LRE is most effective when used with outside resource persons. When adequately prepared and involved in the lessons, adult role models can create non-threatening adult associations and develop positive student attitudes toward the law. The following section provides guidelines for the most effective preparation and use of outside resource persons.

## Procedure for a Resource Person

1. Contact the resource person and arrange a visit to your classroom for the lesson. After sending a copy of the lesson, discuss with the visitor his or her role and the goals of the lesson.
2. Place the visit in context. Explain the course of study and the objectives of the course.

3. Describe the audience. Tell the speaker how many students will be present, plus their age range, interests, and achievement levels.
4. Discuss the length of the lesson, the teaching strategy that will be used, and the time allotted for the resource person. Alert the resource person to any special considerations: particularly difficult questions that could arise, strong feelings among the students about issues that will be covered, etc.
5. Request specific times and dates. Suggest two or three alternatives from which your guest can choose. Some resource persons may require considerable advance notice.
6. Be sure the speaker has the correct address and directions and knows where to park.

Educators from correctional institutions who consulted with us in the development of these materials highly recommend the use of outside resource persons. They also suggest that many people with relevant backgrounds can be found on the staff or as frequent visitors to the institution. Many have law enforcement, probation, or counseling backgrounds and can draw on this knowledge to serve as resource persons with relatively little preparation.

## Tips for Effective Small Group Work

LRE works best with small groups because it requires each student to do his or her job as well as helping others to improve their work. The final product becomes the result of the efforts of several people and is better than what each individual could do alone. The following are some concrete suggestions for using small groups effectively in LRE:

1. Provide clear instructions to the group. It is best to give the group just one or two instructions at one time.
2. Prepare the students with adequate knowledge and skills to do the work (for example, discuss background readings, and make sure assigned tasks are clear.)
3. Students must be given enough time to finish their task. Think creatively in advance about ways to occupy groups that finish ahead of other groups.
4. Small groups work best. Groups of three to six work best under normal circumstances. When a complicated written product is the intended outcome, only two or three students in a group is optimum.
5. Teachers should consider how their reward and evaluation strategies affect the use of small groups. There should be a group reward for group efforts.
6. Be clear about group management issues. It is important to clarify who is doing what. It is helpful to assign a role to each person in the group, such as recorder, reporter, reader, questioner.
7. Teachers (and those in neighboring classrooms) should be prepared for the increased noise level which occurs during cooperative learning activities.
8. Form diverse groups. Mix students by skill level, social groupings, etc.
9. Teachers should circulate, observe, and evaluate what is happening in the groups.
10. Look for ways to encourage interdependence within a group. Groups are more effective when their success depends on every group member.

## Procedures for the Student Introduction

Have the students read "Introduction: A Nation of Laws" in the student materials. Discuss the reading with them using the following questions:

1. What are the two main branches of the law? How do they differ? Which branch have you had the most contact with?
2. List ways in which laws have affected you? Has this effect been good or bad for you? Have laws ever protected you from harm? Have laws protected other people around you?
3. What might happen in a world without laws? If you lived in a lawless world, what are the first laws you would make and why?

## Introduction: A Nation of Laws

Ours is a nation of laws, and the United States has more laws than any other country in the world. These laws affect nearly every area of our lives–from the air we breathe to the food we eat, from the way we drive to the education we receive, and from the games we play to the conditions where we work. Laws are rules enforced by the government to control the way people act in a society. They reflect the values our society considers important and can change as society and its values change. For example, at one time the U.S. had a national law against drinking alcohol. This took the form of a constitutional amendment and it was later reversed.

Although any individual law can change, we will always have a need for law. A society without laws would be torn apart by fear, confusion and conflict. This doesn't mean all laws are good. A law can be unjust and harmful. But when people know how they are expected to behave and what to expect from others, fewer disagreements arise. When disagreements do arise, laws give us a way to settle them. ***Streets, the Courts, and the Community*** is a course in Law Related Education (LRE) and teaches about the different kinds of laws that most often affect young people.

When most people think of laws, they first think of criminal laws. Criminal laws forbid certain kinds of individual conduct and impose punishments for such conduct. When someone breaks a criminal law, he or she has injured society. It is the government's job to enforce criminal laws.

The enforcement of criminal laws is very important. Crime is one of our nation's top concerns. Crime costs the U.S. hundreds of billions of dollars a year, and violent crime seriously harms the lives of thousands of victims and their families. Crime ultimately affects us all–everyone knows the fear and anger created by our growing crime problem.

The criminal justice lessons in ***Streets, the Courts, and the Community*** will help you better understand how the system actually works; how crime affects its victims; the roles played by the police, attorneys, judges, and probation officers; and the differences between the adult and juvenile justice systems. The activities in these lessons will give you the chance to learn about our laws and see how our legal system combines values, rights and responsibilities. They will also give you the opportunity to examine and apply your own values to different situations.

Civil law is the other main type of law in the United States. Civil laws deal with the private rights of individuals and with conflicts arising over those rights. A basic difference from criminal law is that the individual takes the legal action, not the government. Civil laws cover a wide range of activities, including contracts, marriages, divorces, wills, consumer protection and employer-employee relations.

The civil law section of ***Streets, the Courts and the Community*** includes lessons about small claims court, landlord-tenant law, employer-employee relations, and attorney-client relations. The goal is to provide practical information about the law, and to help make the legal system more understandable.

The last lesson in this text is about resolving personal conflict. It gives you an opportunity to learn skills for managing conflict in your own life in a constructive way.

# INSTRUCTOR MATERIALS

## Lesson 1. Crime and Justice

### Overview

This lesson provides an introduction to issues of criminal justice and an overview of how the juvenile justice system works. Students listen to a brief presentation by an outside resource person and discuss the juvenile justice disposition process. The instructor and the resource person then analyze a hypothetical disposition for the class. Finally, working in small groups, students analyze a case and report their findings to the class.

### Objectives

As a result of this lesson, students will:

1. Identify some of the values underlying our justice system, such as consideration of the rights and property of others.
2. Identify and evaluate some of the important factors which go into deciding the disposition of juvenile cases.
3. Develop critical thinking, listening, and cooperative learning skills.

### Materials/Resources

- One outside resource person, preferably a juvenile judge, a juvenile attorney, or probation officer who is prepared to give a brief overview of the juvenile justice system, the disposition process, and the factors used by courts in making dispositions. If possible, send the resource person the lesson in advance and ask him or her to discuss the alternatives for your jurisdiction.
- Sufficient copies of Handouts 1A through 1E for all students in the class.
- A chalkboard or flip chart to list the decisions of each group and the reasons for their decisions.

### Procedure:
### Activity 1. Vocabulary

1. Distribute a copy of Handout 1A for each member of the class.
2. Word Rap: Read each word and ask a student to give its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Disposition**—the decision in a juvenile justice hearing. By making a disposition the court decides what is going to happen to the juvenile offender.

   **Rehabilitation**—helping convicted people stop their criminal behavior and develop skills for leading useful and productive lives.

   **Petition**—the document used to file a charge in a juvenile justice case.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Have students read "Crime and Justice" on Handout 1A and discuss the questions that follow the reading passage.

### Activity 3. Juvenile Disposition Choices

1. Introduce the outside resource person and explain that he or she will give the class some information about the kinds of decisions the juvenile justice system makes. Stand by to encourage the class to ask questions.
2. Explain to the students that now they will discuss the various choices available in the juvenile justice system.

3. Distribute copies of Handout 1B, "Juvenile Disposition Choices" to all the students. Have them read the passage and then discuss the choices with them. Make sure the class understands the different choices.

## Activity 4: Group Work

1. Explain that the students will now get a chance to find out what it is like to make decisions about juvenile dispositions themselves.
2. Divide the class into groups of three to four students. Distribute copies of Handout 1C to the students in the first group, copies of Handout 1D to the second group, etc. Have each group choose a facilitator, a recorder and a reporter. [As an option, you can combine the role of recorder and reporter.] The facilitator's duties are to encourage every member of the group to participate, and to keep track of time; the recorder will write the group's decision and the reasons for that decision. And the reporter will later report the decision and reasons to the class.
3. One member of each group reads its case aloud to the group.
4. The group discusses the case history and the defendant's record.
5. The group discusses possible dispositions and decides on one of them. The recorder writes down the decision and the reasons for it. [If there is extra time at this point, groups can swap case studies and discuss a second case.]
6. After each group has decided its case, the entire class should reassemble and the reporter from each group should explain its decision and the reasons for it.
7. The juvenile attorney or other resource person should use the following discussion questions to debrief the activity.

## Debriefing Questions

1. What alternative solutions could have been chosen by each group?
2. What alternatives, if any, could the defendants have chosen rather than breaking the law?
3. Discuss whether the laws in question were both fair and fairly applied in each situation.

## Teacher Talk

1. This lesson works well with the video *The Tunnel*, which retells the experience of a young man's violent encounter with a gang. It promotes a lively discussion and leads to an excellent writing assignment. This video is available from The Little Red Film House, P.O. Box 691083, Los Angeles, CA 90069, (213) 653-0407.
2. When the scheduled resource person canceled, one teacher used two youth center social workers as resource persons for this lesson. In-house staff can make good resource people.

# 1A

## Lesson 1. Crime and Justice

## WORD RAP

The following words are used in this lesson. Read them carefully and be prepared to discuss them.

**Disposition**–the decision in a juvenile justice hearing. By making a disposition the court decides what is going to happen to the juvenile offender.

**Rehabilitation**–helping convicted people stop their criminal behavior and develop skills for leading useful and productive lives.

**Petition**–the document used to file a charge in a juvenile justice case.

### Introduction

Crime. Few issues cause more concern among so many people in our society. Crime affects everyone, directly as victims or family and friends of victims, or indirectly as taxpayers. Unfortunately our understanding of the crime problem and the criminal justice system is often based on movies and television. They can give a distorted picture of crime by surrounding it with exciting action and fantasy heroes and villains. But the real criminal justice system has little to do with what is presented in films. There is little glamour associated with the reality of the enormous crime problem facing our society.

Crime costs the people of the United States billions of dollars every year. Thousands of people lose their lives, hundreds of thousands are permanently injured. Poor people often suffer the most. If they are robbed or have money stolen from them, they become even poorer. If they are injured or miss work, they go deeper into debt.

And reported crime is only part of America's crime problem. Some studies show that about three out of every four serious crimes are never reported to the police. Only about one in five of the 14 million crimes that are reported each year results in an arrest. Out of every 100 violent crimes committed, only two result in jail sentences.

Teenagers are greatly affected by crime and the criminal justice system. Although people under 19 are less than 20 percent of the U.S. population, they account for nearly half of all arrests for violent and property crime. Young people also make up a large percentage of crime victims. The issue of juvenile justice is therefore of great concern to young people.

This lesson will give you a better understanding of how the criminal justice system actually works, especially for teenagers. You will examine several criminal cases involving teenagers and play the role of juvenile judges in deciding the most suitable disposition for each case. This exercise will help you better understand both how our criminal justice system works and some of the basic values which underlie that system.

### For Discussion

1. Why is our society strongly concerned about crime among young people?
2. Why might some people not report crimes that happen to them?
3. Do you know people who have been victims of crime? What happened? How did it affect them?

# HANDOUT 1B

## Juvenile Disposition Choices

These are the different types of dispositions that a court may choose. These dispositions are based on California procedures and may vary with other states. Find out how your community differs. Which disposition the court chooses depends on the facts of a particular case. The court may consider the seriousness of the offense, the juvenile's history, and the home environment in making a decision.

1. **Informal Supervision**
   The minor must first admit guilt, and then, with the agreement of his or her parents, is placed on informal supervision by a probation officer. The juvenile remains in his or her home. While on supervision, the juvenile can look for and take part in recommended rehabilitation programs. No petition is filed in the case and no record is kept.
2. **Home on probation**
   The juvenile remains at home, but is either (1) made a ward of the court under the supervision of a probation officer for an unspecified length of time; or (2) the minor is not a ward of the court but is placed on probation for no more than six months.
3. **Suitable Placement**
   The minor is taken from the parents' care and can be placed with relatives, in a foster home, a group home, or an institution.
4. **Camp Community Placement (for boys only)**
   The male juvenile is placed either in a minimum security camp with programs in forestry, vocational and academic training; or a maximum security camp for serious offenders.
5. **Institutional Programs (for girls only)**
   These programs for female juveniles offer educational, vocational and counseling services. Treatment programs are in a maximum security situation.
6. **Youth Authority**
   The Youth Authority has specialized programs, schools, or camps for juveniles. These are for the most serious and difficult offenders who have not been reformed by other placements. A youth authority institution is a secure and locked facility. A minor sent to a youth authority institution by the juvenile courts may be supervised by the youth authority up to the age of 21. A youthful offender between the ages of 18-21 may be kept at the youth authority until the age of 23. A youthful offender convicted of an offense in superior court may be sent to the youth authority until the age of 25. Parole is possible after a juvenile completes one of the institution's programs and is under the supervision of a parole agent.

# HANDOUT 1C

## Example 1: Packing in School

*Violence and fear of violence is a growing problem in our nation's schools. The following case shows one example of this issue.*

Toby Adams, a 16-year-old student at Horace Mann High School in Phoenix, lives at home in a middle-class neighborhood. His family includes his three sisters, an unemployed father who has a drinking problem, and a mother who supports the family by working as a cashier at a supermarket. Although Toby is a poor student, he is considered very bright by his teachers. He is not a troublemaker, although his record includes two reprimands for getting into fights at school.

Two youth gangs, the 22nd Street Aces and the 47th Avenue Kings, live in Toby's neighborhood. Although Toby knows members of both gangs, some of whom attend his school, he refuses to join either one. Recently, the pressure for Toby to join one of the gangs became more serious when one of the Aces threatened to "smoke" him.

Toby was worried but did not want to share his problem with his family because it would upset his mother. Instead, he decided to protect himself by taking his father's unloaded revolver to school. He let the word out through one of his friends that he was packing a weapon. "No one had better mess with me," he said.

The next day, Toby was stopped in the hallway by one of the school police who had heard about Toby's threat. He frisked Toby and found the gun, then took him to the principal's office and called the police. Toby tried to explain that he only had the gun for protection. The principal immediately suspended Toby from school, called his parents, and turned him over to the police when they arrived. Toby was taken downtown, booked, and released to his mother's custody.

■ **Based on the facts of this case, what disposition for Toby should the court make? Why?**

# HANDOUT 1D

## Example 2: The Case of the Missing Shoes

*When most of us think of crime, we think of a violent act. Actually, most crime is non-violent, especially crimes involving young people. The following case involves petty theft.*

Mark Anderson, a 15-year-old ninth grader at Garvey Junior High in Chicago, lives with his mother, four brothers, and two sisters in a low-income neighborhood. His mother works two jobs as a waitress. Mark is an average student who was suspended once for cutting classes but otherwise has had no major problems at school or with the law.

Mark wanted his mom to buy him a pair of expensive sports shoes advertised by a famous basketball star. His mother told Mark she couldn't afford the sneakers and that he would have to be satisfied with less expensive ones.

Mark saw that one of his classmates at school, Ruben Ortiz, had a pair of the expensive sneakers. Ruben kept them in his locker. Ruben and Mark were almost the same size and Mark figured that he could wear Ruben's shoes. One day, when no one was around, Mark broke the lock on Ruben's locker and stole the shoes. He put them under his coat and ran home as fast as he could. What Mark didn't know was that Melissa, another student, saw him take the shoes and reported this to the principal's office.

Later that evening police officers arrested Mark at his home on a theft charge. He admitted the charges in his petition at the juvenile court hearing.

■ **Based on the facts of this case, what disposition for Mark should the court make? Why?**

# HANDOUT 1E

## Example 3: Scoring Some Stash

*Television specials examine the drug crisis. Our churches and schools warn us about the dangers of drugs and urge everyone to Just Say No. Yet a complete solution to the drug epidemic has not been found. Drugs continue to be one of our nation's major social problems. The following example looks at one part of this problem–drug use and sales.*

Susan Galan is an unemployed 17-year-old. She lives with her parents and a brother in Philadelphia. Her father works as a delivery messenger and her mother is a nurse's aide at Memorial Hospital. Susan's parents fight often and have separated several times in the past.

Susan dropped out of school in the 11th grade to work as a receptionist at a doctor's office. She was fired from her job for being repeatedly late or absent from work. Susan has a juvenile record for drug abuse, joyriding, and shoplifting. She also frequently smokes crack cocaine.

Susan's friend, Adrian, told her she could make some quick money by selling crack to high school students. He gave her several plastic bags which she put into her purse. The next day, she went down to the corner near the high school and started talking to some students she knew. She told one of them, Marcus, 17, that she had some "stuff" for sale. He said he had some friends who would like a few rocks and told her to wait while he went to find them. A short time later, he came back with three friends, Dwayne, 18, Terry, 16, and Patricia, 17. After a little bargaining, they bought all of Susan's crack, except for the one rock she was saving for herself.

Just as Susan and her friends started to leave, two plainclothes officers who had been staked out across the street approached them. The officers arrested them for narcotics sales. They searched everyone and took the crack from Susan and the others. Dwayne was taken to central jail for booking. Susan and the others were driven to juvenile hall.

■ **Based on the facts of this case, what disposition for Susan should the court make? Why?**

# INSTRUCTOR MATERIALS

## Lesson 2. Attorneys in the Juvenile Justice System

### Overview

This lesson is designed to help students better understand the role of attorneys in the juvenile justice system and also covers some important aspects of attorney-client relationships. This lesson works best with the help of an attorney who represents young people. With the attorney's help, the class takes part in a group activity in which they learn important information about the role of an attorney in the juvenile justice system.

### Objectives

As a result of this lesson, students will:

1. Identify the main responsibilities of attorneys in the juvenile justice system.
2. Identify important aspects of an effective attorney-client relationship.

### Materials/Resources

- A juvenile attorney prepared to provide information about the role of attorneys in the juvenile justice system.
- Sufficient copies of Handouts 2A through 2E for every member of the class.
- Chalkboard or flip chart to list conclusions of each group and reasons for its conclusions.

### Procedures

### Activity 1. Pretest

1. Distribute a copy of Handout 2A, the Pretest, for every member of the class. Have students answer the questions on the Pretest on basic knowledge about the attorney-client relationship. The students have five minutes to complete the test.
2. After the test, call on different students for their responses to the test questions and write their answers on the board. At the end of the class have the students compare their answers with what they learn from the lesson.

### Activity 2. Vocabulary

1. Distribute copies of Handout 2B for every member of the class.
2. Word Rap: Read each word and ask a student to give its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Attorney-client privilege**–the guarantee that information a client tells his or her attorney will not be revealed.

   **Fitness Hearing**–a hearing to determine whether a minor will be tried as a juvenile or an adult.

   **Indication**–the decision a judge of the juvenile court is likely to make. Early in a hearing, an attorney can ask the judge for an indication to help decide what arguments would be in the juvenile's best interest.

### Activity 3. Attorney-Client Relations

1. Review the objectives of the class with the students and introduce the outside resource person, who will help debrief the activity.
2. Explain to the students that they will analyze different examples of an attorney-client situation and decide what problems might arise in any of the attorney-client relationships. They will be given a fact sheet about the attorney-client relationship which they will apply to one or more examples.

3. Have the students read "Juvenile-Attorney Facts" on Handout 2B. Discuss this fact sheet as a group, using the questions that follow the reading. Have the outside resource person give additional information about juvenile court practices in your jurisdiction.
4. Divide the class into three roughly equal sections, Groups I through III. Give each student in group I a copy of Handout 2C, each student in group II a copy of Handout 2D, and each student in group III a copy of Handout 2E.
5. Have the students read and discuss their handout in each group and answer together the questions which accompany the reading.
6. Based on what students learned from the Juvenile-Attorney Fact Sheet, each group should decide what problems the minor or the attorney might be having in the example. Each group should try to list one error that they find in the example.
7. After the groups are finished, reassemble the class and have one student from each group briefly explain the group's case. Have another student from the group explain any problems they found in the example. Write their answers on the board. Do this for each case.

   EXAMPLES:

   **Example 1:** Michael should discuss his gang involvement with the attorney, because it may affect the disposition. The attorney must respect Michael's wishes about his admission of guilt, not his parents' wishes.

   **Example 2:** Susan should ask questions about the fitness hearing and her attorney should fully prepare for it. It can make a big difference in the case.

   **Example 3:** The attorney should ask the court to appoint an investigator who can be very helpful in issues of identity and finding witnesses.
8. Review the students' answers with the outside resource person for comparison. Use the following questions to help debrief the activity.

## Debriefing Questions

1. What is an attorney's most important responsibility to a juvenile client? Why?
2. What is a juvenile client's most important responsibility to his or her attorney? Why?
3. Name two of the most important matters a juvenile offender should always discuss with an attorney.

## Teacher Talk

This lesson works well with the video *Ethics on Trial.* This documentary explores questions of legal ethics by presenting several complex cases in which lawyers must weigh personal morals, professional values, and public standards of decency. This is available from Zenger Video, 10200 Jefferson Blvd, Room 992, P.O. Box 802, Culver City, CA 90232-0802.

STUDENT MATERIALS HANDOUT

# 2A

## Lesson 2. Attorneys in the Juvenile Justice System

# WORD RAP

The following words are important for a better understanding of juvenile justice procedures. Read them carefully and be prepared to discuss them.

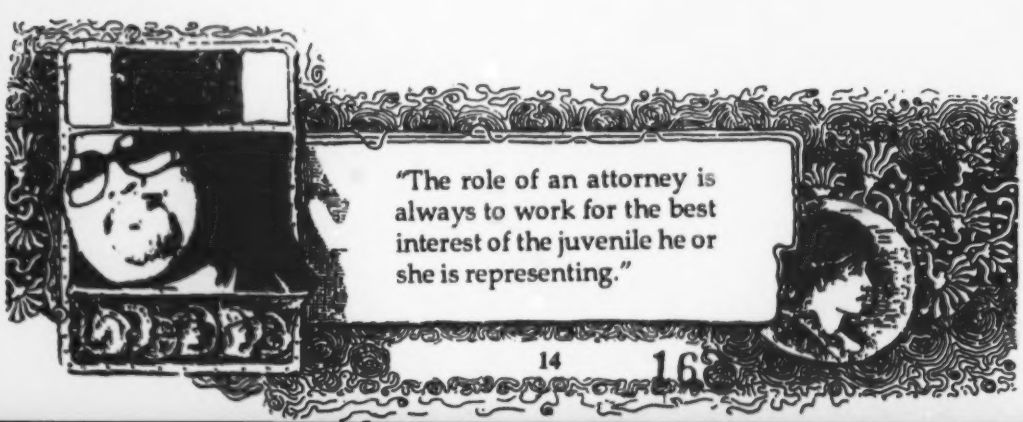
**Attorney-client privilege**–the guarantee that information a client tells his or her attorney will not be revealed.

**Fitness Hearing**–a hearing to determine whether a minor will be tried as a juvenile or an adult.

**Indication**–the decision a judge of the juvenile court is likely to make. Early in a hearing, an attorney can ask the judge for an indication to help decide what arguments would be in the juvenile's best interest.

### Pretest (Answer True or False)

1. The parents of a minor have the right to make all decisions in a case involving their son or daughter.
2. If a minor is guilty of some or part of an offense, he or she should not reveal this fact to the attorney or it will hurt the case.
3. A minor has the right to see the police report that has been filed in his or her case.
4. An attorney must reveal to the court any information given to him or her by the client.
5. The main responsibility of an attorney is to get the case over as quickly as possible.
6. Once a juvenile court has made a finding (decision) in a case, the attorney for the minor has no further responsibility.
7. An attorney should try to work closely with a client's probation officer.
8. A fitness hearing determines whether a minor should be tried as an adult or a juvenile.
9. It is not very important for a minor whether he or she is tried as an adult or a juvenile.
10. A juvenile can request that the court reconsider the finding made in his or her case.



# HANDOUT 2B

## Juvenile-Attorney Facts

[The procedural information for this exercise is based on California juvenile law. Find out the law in your state.]

1. The role of an attorney is always to work for the best interest of the juvenile he or she is representing.
2. Attorney-client privilege is an important right. It means an attorney cannot reveal anything the client says.
3. The attorney should try to work with the juvenile's parents, but must respect the wishes of the client as to the conduct of the case. This should be explained to both the minor and the parents so there is no misunderstanding.
4. The attorney should contact and work with the client's probation officer from the beginning.
5. The attorney can request an investigator, which can be useful in a case of mistaken identity. The attorney can also request a psychological evaluation to check the emotional condition of a juvenile offender.
6. The juvenile must be honest with the attorney–to avoid surprise and to help the attorney prepare.
7. A minor has a right to see any police report in the case, and the results of any chemical tests given.
8. A minor who does not speak English has a right to an interpreter. The request is made by the attorney.
9. A minor should discuss with the attorney the maximum and minimum terms that might be given for each offense.
10. If the judge decides that gang-related laws apply to a case, the disposition will usually be harsher, including the possibility of a longer time to serve.
11. A minor, working with an attorney, can ask the court to reconsider a finding (whether the juvenile is delinquent) or the disposition (what sentence is given.) If the request is denied, the minor can appeal.
12. In some cases a minor can be tried in an adult criminal court. To make a decision on where the trial should take place and what law applies, the court may order what is called a fitness hearing. Penalties can be more severe in an adult court.

### Questions

1. What is meant by attorney-client privilege?
2. Why is it important for the juvenile to tell the truth to the attorney?
3. What is the most important fact you learned from this discussion?

# HANDOUT 2C

## Example 1: Michael's Case

Michael is a 16-year-old accused, along with several other minors, of assault and battery on another youth in the neighborhood. Although Michael is not a member of a gang, gang members were involved in the fight. He insists that he was not involved in the fight. He claims that he was a bystander. Michael has a previous record for joyriding, but does have a good school record. His parents want him to admit his guilt and "take his medicine."

Michael has a public defender who informs him that any matters they discuss about the case are confidential. The attorney also informs him that because Michael knows some gang members in the neighborhood, the police want to charge him under gang-related laws. Michael decides not to worry about this because he thinks it won't really make a difference in his case. The attorney also informs Michael that if his parents insist that he do so, Michael will have to admit his guilt to the court.

■ **Are there any problems in the attorney-client relationship in this example? If so, what?**

# HANDOUT 2D

## Example 2: Sharon's Case

Sharon is a 17-year-old who has been arrested for possession and sale of crack cocaine. Sharon has a record for drug possession, shoplifting, and burglary. She dropped out of school when she was a sophomore. She has a record of emotional disturbance and comes from a family with a history of child abuse.

Sharon's attorney tells her that the state wants to try Sharon as an adult in this case. She explains to Sharon that the court will hold a fitness hearing on the matter. The attorney asks Sharon whether she has any questions about the fitness hearing and Sharon says no. There is no further discussion about this matter. The attorney also tells Sharon that the police filed a report on the case and she has a right to see it. The attorney suggests that they get a copy of the report to help prepare the case and Sharon agrees.

■ **Are there any problems in the attorney-client relationship in this example? If so, what?**

# HANDOUT 2E

## Example 3: Richard's Case

Richard is a 17-year-old who has been arrested for car theft. The police say several witnesses saw Richard in a new Corvette that was reported stolen and later found abandoned in a supermarket. Richard has a long record for joyriding from the time he was 14. He has a poor school record and a learning disability. Richard has two sisters and lives at home with his mother and father, both of whom work.

Richard admits to taking cars in the past but swears to his attorney that he has been trying hard to go straight because he wants to go into the Army. He says he has not done anything wrong for six months. He thinks the thief might have been a boy named Alan, who everyone says looks just like him. Richard asks the attorney if he can find out the names of the witnesses. The attorney says he isn't sure and that he has a lot of other cases to handle. The attorney has asked the judge for an indication, and the judge said she is considering the maximum term in light of Richard's past record.

■ **Are there any problems in the attorney-client relationship in this example? If so, what?**

# INSTRUCTOR MATERIALS

## Lesson 3. Adult or Juvenile: What's the Difference?

### Overview

In this lesson students focus on some basic differences between the juvenile and adult justice systems and how courts decide whether a given young offender will be tried as a juvenile or as an adult. First, working with an outside resource person, students compare and contrast the two systems. Then in an activity, they learn about factors relating to waiver–the transfer of juveniles to the adult court system.

### Objectives

As a result of this lesson, students will:

1. Identify two differences between the adult and juvenile justice systems.
2. Identify two factors used in making waiver or transfer decisions.

### Materials/Resources

- An outside resource person (a juvenile judge, public defender or probation officer) who can give an overview of the differences between the juvenile and adult systems.
- Sufficient copies of Handouts 3A through 3E.
- Chalkboard or flip chart to record student responses.

### Procedures:

### Activity 1. Vocabulary

1. Reproduce and distribute a copy of Handout 3A for each member of the class.
2. Word Rap: Read each word and ask a student to give its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Incarcerated**–to be put in prison or jail or detention facility.

   **Deterrence**–to discourage criminal behavior through fear of punishment.

   **Waiver**–the transfer of authority from a juvenile court to adult criminal court. After a waiver, a juvenile is tried as an adult.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Have students read "Adult or Juvenile: How the System Decides" on Handout 3A.

### Activity 3. The Difference Chart

1. Introduce the outside resource person and explain his or her role in the lesson, which is to provide information about the adult and juvenile justice systems.
2. Distribute to the class Handout 3B, "The Difference Chart," which compares the words for similar elements of the adult and juvenile justice systems. Ask a different student to read each comparison.
3. Ask the outside resource person to comment and provide additional information.
4. After the entire chart has been covered, ask the students to state what they believe are two or three of the main differences between the two systems. List their answers on a chalkboard or flip chart. Debrief this exercise with the assistance of the outside resource person using the following questions:

   Do you think there should be a difference between the adult and juvenile justice systems? Why or why not?

Do you know of any situation where the differences in these two systems affected how a juvenile case was handled? If so, how was that case affected by the difference in the two systems?

## Activity 4. You Must Decide

1. Distribute Handout 3C, "To Waive or Not to Waive" to the students. Have them read the piece and with the help of the outside resource person, review the information. Pay special attention to the questions the court uses to make transfer decisions. Answer any questions students may have.
2. Divide students into groups of three to five and distribute copies of Handout 3D, "Torching a Building" to all the students.
3. Have them read the case and as a group decide whether Ron should remain in juvenile court or be sent to adult court.
4. Reassemble the class and ask a student from each group to report and state the reasons for its decision. To avoid repetition, ask groups to identify new reasons as they report.
5. With the assistance of the outside resource person, compare the decisions made by the students with the probable outcome in real life. The resource person can also discuss how he or she would have used the facts of the case to support an argument for or against transfer.
6. If there is time, repeat this process with Handout 3E,"The Unintended Death." As an option, have the students develop their own example, using Handouts 3D and 3E as models, and decide on the disposition.
7. Debrief the activity using the following questions:

   Should certain juveniles be transferred to the adult system? Why or why not?

   In making decisions about waiver, what was the most important factor? Why?

## Teacher Talk

1. One teacher had her students create their own hypotheticals and then decide about waiver in small groups.
2. Another teacher divided the lesson into two parts: one hour for the resource person, and one hour to review and use handouts 3D and 3E.

STUDENT MATERIALS HANDOUT

# 3A

## Lesson 3. Adult or Juvenile: How the System Decides

### WORD RAP

The following words are important for a better understanding of criminal justice. Read them carefully and be prepared to discuss them.

**Incarcerated**–to be put in prison , jail, or a detention facility.

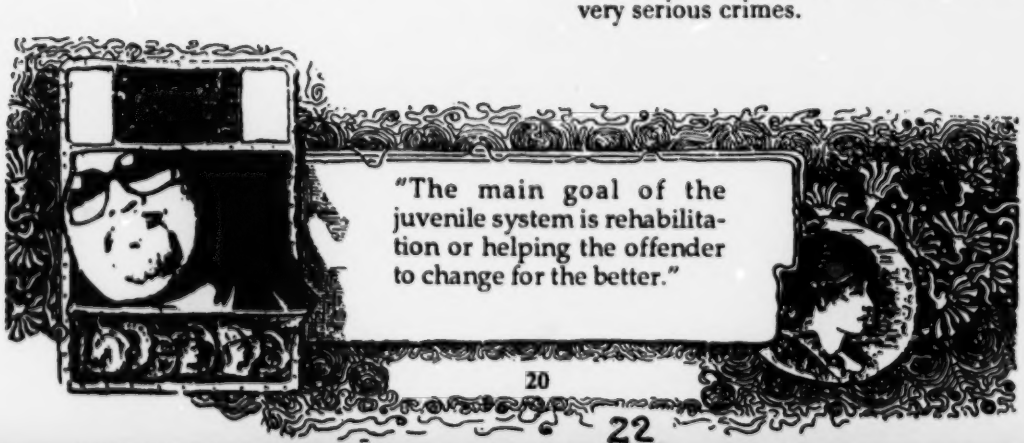
**Deterrence**–to discourage criminal behavior through fear of punishment.

**Waiver**–the transfer of authority from a juvenile court to the adult criminal court. After a waiver, a juvenile is tried as an adult.

The United States has one of the largest prison populations in the world, including the largest juvenile correction population. One reason for this is the public's demand for greater control of crime. Some laws require judges to sentence even youthful offenders to jail or prison for long terms. In response to public pressure to be harder on crime, laws have also tended recently to reduce the difference between the adult and juvenile justice systems.

The main goal of the juvenile system is rehabilitation or helping the offender to change for the better. By contrast, the main goal of the adult system is often seen as punishment. At one time in our history, juvenile and adult offenders were treated nearly the same. The way the system dealt with juveniles changed in the early 1900s when the nation adopted many laws to improve the lot of juveniles. Today, however, the situation is moving the other way, toward laws that would treat more juvenile offenders as adults.

In this lesson you will find out about some of the basic differences between the juvenile and adult systems. You will also discover how and why court make decisions about whether a young person will be treated as a juvenile or as an adult under the law. Some states have created laws requiring automatic transfers if minors of a certain age have been accused of very serious crimes.



# HANDOUT 3B

## THE DIFFERENCE CHART

| ADULT JUSTICE SYSTEM | JUVENILE JUSTICE SYSTEM |
|---|---|
| Crime | Delinquent Act |
| Arrest | Take into custody |
| File Charges | Petition |
| Plead not guilty | Deny Involvement |
| Plead guilty | Admit involvement |
| Trial | Adjudicatory hearing |
| Verdict of guilty | Finding of delinquency |
| Sentencing Hearing | Dispositional hearing |
| Sentence | Disposition |
| Open Trial | Private Hearing |
| **Main Goal: Punishment** | **Main Goal: Rehabilitation** |

# HANDOUT 3C

## To Waive or Not to Waive

Deciding which juveniles should be tried as adults is not always a simple matter. The decision is made after a court hearing, often called a waiver or transfer hearing. It is also called a fitness hearing. To make the decision, the court asks certain questions about the accused young person and the charges. For example, a court might ask:

1. How serious was the crime? Does the community need to be protected from the offender?
2. Was the crime committed in a violent, aggressive, or intentional way?
3. Was it a crime against persons or against property?
4. Will the adult court prosecute the case?
5. Are the co-defendants, if any, adults? If so, should all the defendants be tried together?
6. How mature is the juvenile? (This is to be determined by examining his or her home life, emotional attitudes, and lifestyle.)
7. What is the juvenile's prior court record and history of contact with law enforcement?
8. Can the juvenile be rehabilitated through normal juvenile justice methods? If so, can the public be protected during the juvenile's treatment?

In some cases, the decision to transfer a juvenile to an adult court is easy to predict. If the young person is 16, has committed a brutal murder, has a long history of violence, and has already been through several juvenile treatment programs, the court would likely make the transfer. But what if a 16-year-old killed someone only after a long history of physical abuse by that person and has no prior record? In this case the court might decide not to make a transfer.

# HANDOUT 3D

## Torching a Building

Sixteen-year-old Ron Martin and a 20-year-old friend set fire to an apartment building under construction in their neighborhood. The fire caused $65,000 in damage. Ron was angry because his landlord, who also owns the building that was burned, served Ron's mother with an eviction notice earlier in the week. She was evicted for not paying rent. Ron's mother withheld the rent after the landlord ignored her repeated requests to fix a serious plumbing problem in her apartment.

A neighbor saw Ron and his friend set the blaze and notified the police who arrested Ron the next morning.

### Background

Ron is a junior in high school with average grades. He lives with his mother and two sisters. Until his arrest, he worked part-time in a local fast-food restaurant. His previous record includes two detentions by police for underage drinking, and one for joyriding, all within the last 18 months.

■ **Should Ron be transferred to the adult system? Why or why not?**

# HANDOUT 3E

## The Unintended Death

Robert Devore and a friend broke into a house to steal valuables and money. Robert is 15 years old and his friend is 16. During the burglary they were surprised by the homeowner, a 68-year-old woman. When she started screaming, Robert's companion struck her with a lamp.

Later, the woman died from her injuries. Shortly after the burglary, Robert and his companion were arrested. Because the murder took place during the commission of a felony (burglary), both of them can be charged with first degree murder.

### Background

Robert suffers from a slight learning disability, has a poor school record, and a persistent truancy problem. He has two brothers and two sisters. His father works at an auto body shop and his mother is a sales clerk. Robert's psychological reports indicate he has a severe emotional disturbance and the possibility of child abuse in Robert's home.

■ **Should Robert be transferred to the adult system? Why or why not?**

## Lesson 4. The Police and the Public

This lesson raises issues of interactions between the police and the public. Working with a police officer as an outside resource person, students decide what traits would make an ideal police officer and role-play cases involving contact between the police and the public. The class then discusses methods for avoiding conflicts with the police.

### Objectives

As a result of this lesson, students will be able to:

1. Identify some of the factors that contribute to conflicts with the police.
2. Explore their attitudes toward the police and the role of law enforcement in our society.
3. Consider their responsibilities whenever they have contact with a police officer.

### Materials/Resources

- A police officer who is prepared to participate in the lesson by discussing police interactions in the field. Ask the officer to attend dressed in uniform. Send the officer a copy of the lesson in advance and discuss it prior to the class.
- Sufficient copies of Handouts 4A through 4E for all students.
- Chalkboard or flip chart.

### Procedures

### Activity 1. Vocabulary

1. Reproduce and distribute a copy of Handout 4A for each member of the class.
2. Word Rap: Read each word and ask a student to give its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Contact**–any interaction between police and citizens.

   **Stop and Frisk**–a pat-down search of an individual who police believe may be armed and dangerous.

   **Arrest**–formally taking a suspect into custody. To do so, police must have probable cause to believe that the person committed a crime.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Distribute and have students read "The Police and the Public" on Handout 4A. Discuss the questions that follow the reading passage.

### Activity 3. Create-A-Cop

1. Introduce the police officer and explain that the officer will participate in the activity.
2. Ask your students to brainstorm traits of an ideal police officer for their community. List their ideas on a blackboard of flip chart.
3. After all the ideas have been listed, ask the class to select the three most important traits and discuss their answers with the police officer for comparison.

### Activity 4. The Police in Action

1. Explain that the officer will also participate in this activity.
2. Divide the class into groups of five. Select one of the scenes (Handouts 4C through 4E) for each group. Distribute enough

copies so that each student has a copy of the case study assigned to his or her group.

3. Explain that some students will take the role of police officers, some students will act out the situations, and others will be observers to evaluate the interaction between the police and the public.
4. Two students from each group should be chosen to be police officers. They should be given copies of Handout 4B, "Police Officer's Manual." All the officers should assemble in one area and the real officer should review the "Police Officer's Manual" with them.
5. Those students remaining in each group should read the description of the role-play situation and prepare their roles. Each group should take 10 minutes to plan the scene.
6. After each group has prepared, the two student police officers assigned to each group should be given their "police call" and the role-play should begin. All the role-plays can be done simultaneously. Doing several role-plays at the same time will create a certain amount of confusion in the room, but this will help demonstrate how muddled and difficult police contacts can be in real life. As an alternative, role plays can be conducted one at a time.
7. Debrief Contact 1 (Handout 4C) using the resource person for assistance, with the following questions:

   How do you think the police officers felt when they made contact with Jerome and Martin?

   How do you think Jerome and Martin felt when they made contact with the police officers?

   What part do you believe fear plays in the interactions between police and those subject to their authority? What might cause police to be afraid? What might cause others to fear the police?

   Does fear of the police keep people from breaking the law?

   Did the police officers show the qualities the class decided were most important in "Create-A-Cop?"
8. Debrief Contact 2 (Handout 4D) using the following questions:

   What do you think is a police officer's main goal in handling a domestic dispute?

   Do police officers have any reason to feel afraid when handling domestic disputes? If so, why?

   Do you think police officers should intervene in domestic disputes? Why or why not?

   Did the police officers show the qualities the class decided were most important in "Create-A-Cop"?
9. Debrief Contact 3 (Handout 4E), using the following questions:

   How might a young person feel to be caught shoplifting?

   Did the police act properly in this situation? Are there other alternatives besides arresting Benny? If so, what would those be?

   Did the police officers show the qualities the class decided were most important in "Create-A-Cop?"

## Teacher Talk

1. In selecting a police officer for participation, ask if the officer is comfortable interacting with young people and brief the officer on the nature and background of the class.
2. One teacher used a K-9 officer as a resource guest following the lesson to give students a different perspective.

STUDENT MATERIALS HANDOUT

# 4A

## Lesson 4. The Police and the Public

# WORD RAP

The following words are used in this lesson. Read them carefully and be prepared to discuss them.

**Contact**–any interaction between police and citizens.

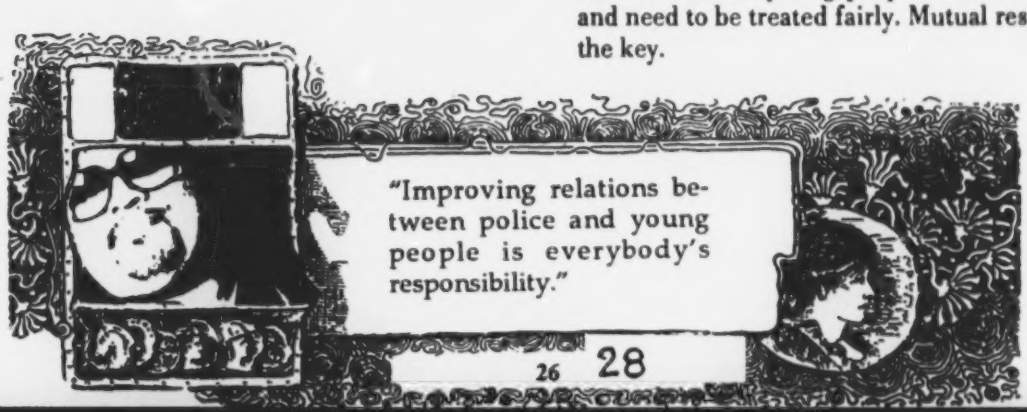
**Stop and frisk**–a pat-down search of an individual who police believe may be armed and dangerous.

**Arrest**–formally taking a suspect into custody. To do so, police must have probable cause to believe that the person committed a crime.

The American public often has conflicting attitudes about law enforcement. Most people want the police to protect them against a growing crime problem. But at the same time many people complain about how the police do their jobs. In ethnic minority communities, where crime is a major issue, police misconduct is seen as an extremely serious problem.

Public attitudes toward the police affect how the police and public interact. This interaction is important because research shows that police contact shapes a young person's attitudes toward police. Negative contact can create a negative attitude, while positive contact encourages a positive attitude. Positive contact includes such actions as receiving help from the police, having a friend or relative who received assistance, or having a friend or family member who is a police officer. Being stopped or arrested by the police or seeing friends stopped or arrested can be examples of negative contact. It is possible to increase positive contact with the police, but it is much more difficult to eliminate all negative contact without making law enforcement impossible.

Improving relations between police and young people is everybody's responsibility. Young people must understand the stress and danger police officers face every day. They must learn how to act responsibly and avoid actions which could be viewed as threatening when confronted by the police. Police officers must understand that young people are individuals and need to be treated fairly. Mutual respect is the key.



# HANDOUT 4B

## Police Officer's Manual

### THE POLICE OFFICER'S OATH

As a law enforcement officer, my fundamental duty is to serve all people; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder; and respect the Constitutional rights of all people to liberty, equality and justice.

### DEPARTMENT REGULATIONS

1. You cannot use unnecessary force, and your firearm can only be used in self-defense or to protect another's life.
2. You must **always** make an arrest if you serve an arrest warrant, or a citizen signs a complaint for a citizen's arrest.

   You may also make an arrest if there is probable cause to believe a person has broken a law (or you may warn and advise or issue a citation).
3. **Stop and frisk:** If you have probable cause to arrest a person or you have a good reason to suspect that a person has committed, or is about to commit, a crime, then you may frisk that person. In addition to a frisk, you may search the area immediately within the person's reach for weapons.
4. **Probable Cause** (4th Amendment Requirements): To make an arrest you must have probable cause. This means a strong belief based on fact that a certain person has committed a crime. For example, you have probably cause if you see someone running out of a building with a television set and he is being chased by someone else yelling, "Stop, thief!"

   To make searches and seizures, you must also have probable cause. You need it to obtain a search warrant or to make a search under certain exceptions when a search warrant is not required.

   You always need a search warrant unless obtaining a search warrant would spoil all chances of seizing the evidence.
5. **Miranda Warning** (5th Amendment Requirements): Before you can interrogate a suspect about a crime, you must make the following statements:

   a. You have the right to remain silent.

   b. Anything you say can and will be used against you in a court of law.

   c. You have the right to talk to a lawyer and have the lawyer present with you while you are being questioned.

   d. If you cannot afford to hire a lawyer, one will be appointed to represent you before you are questioned, if you wish one.

   **Waiver:** A person who has been given the Miranda Warning may agree to talk. In such a case, you must ask these further questions before you can question the suspect.

   e. Do you understand each of these rights which I have explained to you?

   f. Having these rights in mind, do you wish to talk to us now?

### Tips

- Always be on guard to protect yourself, your partner, and other citizens from attack and injury.
- Handcuff anyone you take into custody.
- Be prepared for unusual public reactions when you are present.
- Treat all people firmly and fairly.
- Treat all people equally: the law is blind to race, sex, religion, or status.
- Use only necessary force.

# HANDOUT 4C

## Police Contact 1

Late one night, Jerome Waters, an 18-year-old African-American, was driving with Martin, his 16-year-old brother, on a main street near downtown Pittsburgh. That day Jerome had been laid off from his warehouse job. He and his brother had finished a six-pack of beer before they began driving around the city with the car radio blasting.

- **Police call: You see a car run the red light and pull the car over.**

# HANDOUT 4D

## Police Contact 2

Police officers are called to the home of Ernest and Teresa Larussa. A neighbor called the police because the couple were fighting. The neighbor heard glass breaking, screams, and a lot of cursing and shouting. The Larussas have a 12-year-old son named Jim. Mrs. Larussa hides in the bathroom crying and bleeding from a cut on her forehead.

- **Police Call: You receive a radio call ordering you to go to the Larussa address and investigate a neighbor's complaints of fighting, screaming, and things breaking inside the house.**

30

# HANDOUT 4E

## Police Contact 3

Sixteen-year-old Benny wants to get his girlfriend a birthday present but has no money. He goes into Martinez' Record Rack to check out the new heavy metal compact discs. When no one is looking, he slips two of them under his shirt. Just as Benny starts to walk out of the store, he is stopped by Mr. Martinez, who removes the CDs from Benny's shirt. Mr. Martinez then calls the police.

- **Police call: Mr. Martinez, owner of the Record Rack, calls you because he says he has caught a shoplifter.**

# INSTRUCTOR MATERIALS

## Lesson 5. Drinking, Driving, and the Law

### Overview

In this lesson, students explore problems related to alcohol abuse, especially those associated with drunk driving. After an introduction, students participate in a word game in which they select appropriate keywords to fit into blanks in sentences provided. This game introduces them painlessly to several facts about drunk driving. The lesson concludes with an activity in which the students have to decide the disposition of a teenager arrested for drunk driving.

### Objectives

As a result of this lesson, students will be able to:

1. Identify special problems involved with teenage drinking and driving.
2. Identify some of the legal consequences of drunk driving and explain how alcohol affects driving ability.

   Identify and evaluate some of the important factors which go into deciding the disposition of an underage drinking case.

### Materials/Resources

- Sufficient copies of Handout 5B, "Drunk Driving - Word Game," cut into strips so each student has at least one.
- Sufficient copies of Handouts 5A and 5C for all students in the class.
- Chalkboard or flip chart.

### Procedures:

### Activity 1. Vocabulary

1. Reproduce and distribute a copy of Handout 5A for each member of the class.
2. Word Rap: Read each word and ask a student to give its definition. Ask students to keep the words in mind as the lesson progresses.

   The words are:

   **Blood alcohol concentration**–a measure of the amount of alcohol in the bloodstream.

   **Deterioration**–the weakening of physical or mental ability.

   **Implied consent**–a legal doctrine that requires everyone who gets a driver's license to agree to submit to alcohol or chemical tests if required by a police officer.

   **DWI**–Driving While Intoxicated.

   **DUI**–Driving Under the Influence.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Have the students read "Drinking, Driving, and the Law" on Handout 5A and discuss the following questions:

   Does alcohol advertising on television contribute to alcohol abuse? Why or why not?

   Which is the stronger message young people receive from our society: the one that discourages drinking, or the one that encourages it?

   What problems are associated with drinking alcohol?

### Activity 3. Drunk Driving - Word Game

1. Reproduce and cut into strips the 17 sentences about drunk driving on Handout 5B. Write on the board the words in the Word List in the box on the next page. Do not write the bracketed numbers; these are only to help you identify the sentence each word belongs to.

2. Distribute the sentences and point out that a word is missing from each sentence. Explain that the necessary word is on the board. Instruct students to raise a hand when they have identified the word that fits the blank space in their sentence.
3. Call on a student who raised a hand to read the sentence aloud, including the appropriate word.
4. Continue calling on students until all the sentences are completed.

Debrief the exercise using the following questions:

1. Describe two of the legal penalties for drunk driving.
2. How does alcohol affect a person's driving ability?
3. Why are many teenagers more likely to be affected by alcohol?
4. What are some of the main reasons that teenagers drink alcohol? What can be done to improve the problem of teenage drinking and driving?
5. What can young people do to reduce drinking and driving?
6. Can you give an example where someone you know was affected by drunk driving? How?

## Activity 4

1. Divide the class into groups of five to six students each. Give each student a copy of Handout 5C, "Cruising the Boulevard."
2. Each group should choose a reporter to write down and report the group's decision in the case and the reasons for that decision. Everyone in the group should be prepared to defend the position or state a minority view.
3. The group should then read "Cruising the Boulevard" and discuss the questions that follow it. The reporter should write down the group's answers and the reasons for them.
4. After the groups have finished, the class should reassemble and the reporter from each group should present its answers and the reasons for them.
5. The resource person or instructor should use the following discussion questions to review the activity.

**WORD LIST**

students [8]
definition [12]
lower [6]
injured [2]
killed [1]
concentration [7]
percent [10]
insurance [3]
inexperience [4]
reduce [16]
penalties [13]
quickly [5]
refuses [15]
legal [9]
manslaughter [11]
adults [14]

## Discussion Questions

1. What responsibility does Marcia's older brother have for what happened in her case?
2. What responsibility do her friends, Lupe, Rita, and Elaine have for what happened?
3. What could Marcia's friends have done to prevent Marcia from driving after drinking?
4. What responsibility, if any, does Marcia have toward Mr. Perez?

## Teacher Talk

1. A teacher in Utah used a State Highway Patrol officer as a resource person. He had the trooper demonstrate the breathalizer used for blood alcohol testing.
2. One teacher suggested having individual students create posters illustrating the consequences of drunk driving or making suggestions about how to prevent it.

STUDENT MATERIALS HANDOUT

# 5A

## Lesson 5. Drinking, Driving, and the Law

# WORD RAP

The following words are important for a better understanding of criminal justice. Read them carefully and be prepared to discuss them.

**Blood alcohol concentration**–a measure of the amount of alcohol in the bloodstream.

**Deterioration**–the weakening of physical or mental ability

**Implied consent**–a legal doctrine that requires everyone who gets a driver's license to agree to submit to alcohol or chemical tests if required by a police officer.

**DWI**–Driving While Intoxicated

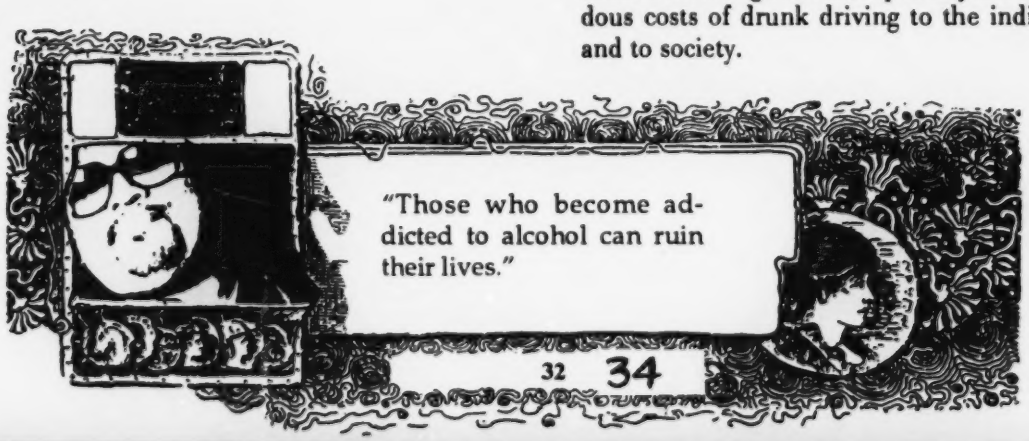
**DUI**–Driving Under the Influence

It is easy to be confused about our society's attitude toward alcohol. Ads on television, in magazines, and on billboards show athletic men and women enjoying a cold beer, and beer drinkers on TV are always surrounded by beautiful men and women. Movie heroes and attractive crooks regularly drink and then drive with no trouble.

Yet the reality of alcohol abuse can be very different. Those who become addicted to alcohol can ruin their lives. It can cause the loss of a job, a divorce, child abuse, and violent behavior. Alcohol can also get people in trouble with the law.

The public is repeatedly warned about the dangers of alcohol abuse and drunk driving by the schools, by public service announcements, and by churches. Organizations like Mothers Against Drunk Drivers (MADD) and Students Against Drunk Driving (SADD) have programs to fight drunk driving. And African-American and Latino leaders and health professionals have criticized the large number of flashy billboards for liquor in their communities.

It is no wonder that young people can be confused by the conflicting messages they receive about alcohol. Is underage drinking a potential danger, or is it a pleasant way to be popular and have sex appeal? Our society has an interest in clarifying this message. And teenagers have an interest in learning about the risks of drinking alcohol, especially the tremendous costs of drunk driving to the individual and to society.



# HANDOUT 5B

## Drunk Driving - Word Game

1. Nearly 30,000 Americans are _____ and several hundred thousand are seriously injured on our highways every year from alcohol-related car accidents.

2. Teenagers make up more than 4,000 of the deaths and more than 100,000 of those seriously _____ in alcohol-related highway accidents.

3. Drunk driving makes auto and medical _____, which most people need, more costly.

4. Teenagers make up a high percentage of those seriously hurt or killed by drunk driving, largely because of _____. Both drinking and driving are relatively new experiences for teenagers.

5. Generally, because teenagers weigh less than adults, they are more _____ affected than adults by the same amount of alcohol.

6. Teenagers involved in drinking and driving accidents often have _____ levels of alcohol in their blood than adult drivers.

7. Because they are usually unaccustomed to drinking, young people may actually feel and act more drunk than an adult with the same blood alcohol _____ (the measure of alcohol in the bloodstream).

8. A high percentage of teenagers drink and drive. Surveys show that sixty percent of high school _____ drink at least once a month, twenty-seven percent drink every week, and fifteen percent are considered heavy drinkers.

9. Every state has its own laws on drinking and drunk driving. In most states the _____ drinking age is 21.

10. In California, anyone caught driving with 0.08 _____ or greater levels of alcohol in their blood is considered a drunk driver. Many states, including California, have lower limits for juveniles. Find out what the law is in your state.

11. Young people who drive under the influence of alcohol and cause an accident which kills someone may be charged with vehicular _____.

12. Teen drunk driving accidents often occur with relatively low blood alcohol levels, as low as 0.02 percent, far below the legal _____ of drunk in most states.

13. The _____ for drunk driving include fines, jail sentences, suspension or revocation of the license, community service, or completion of a special school program.

14. Most 16- and 17-year-olds can expect to be tried as _____ if their drunk driving offense causes major injuries or death.

15. Most states have an implied consent law. This law means that a driver agrees to take a blood alcohol test if requested to do so by the police. A driver who _____ to take the test can have his or her license immediately suspended.

16. Young people can help _____ drunk driving by not driving themselves when they drink and not letting friends drink and drive.

# HANDOUT 5C

## Cruising the Boulevard

One September evening, Marcia, 17, was hanging out with three of her friends, Lupe, Rita, and Elaine, on the front porch of her home. She had been looking for work since dropping out of school. Marcia had previously gotten into trouble for being a runaway and for shoplifting.

"I'm bored," said Lupe, "let's get something to drink and cruise the boulevard." This sounded like a good idea to everyone, so Marcia convinced her older brother to buy them some beer.

Marcia drank beer for a while and then drove off in her parents' car with her friends. "I'm kind of wasted," Marcia thought as she steered the car down the street, "but if I open the window and get some air, I'll be okay."

As they got close to the boulevard, Marcia's friends started pointing out people they knew who were also cruising the street. They began laughing and joking around with a car full of boys behind them. When Lupe yelled at one boy she liked, Marcia turned her head to look. Just as she did, Mr. Perez, a 73-year-old neighbor, stepped out from the curb. Before Marcia saw him, she struck Mr. Perez and knocked him more than 25 feet down the street. Mr. Perez was taken by an ambulance to the local hospital where he was pronounced dead on arrival.

The police gave Marcia a breath test which showed the level of alcohol in her blood to be over .10. The police read Marcia her rights and took her down to juvenile hall where she was booked. Her friends were released to the custody of their parents.

Based on what you have learned about drunk driving law and the facts of this case, answer the following questions:

- **Was Maria driving while intoxicated? Explain your answer.**
- **What charges might be brought against Maria?**
- **If found guilty, what should happen to Maria?**

# Lesson 6. A People's Court for Small Claims

## Overview

This lesson will show how a small claims court works. Small claims court is a type of court for the people that works quickly and simply to settle financial claims up to a certain specified amount. These are claims that one individual may have against another individual or company. This exercise will help the student understand the adversary system and the role of the court in settling certain types of contractual matters.

## Objectives

As a result of this lesson, students will be able to:

1. Describe the appropriate use of a small claims court.
2. Identify the different roles of the plaintiff, defendant and judge in a small claims case.
3. Describe how the adversary system works.

## Materials/Resources

- An outside resource person, preferably a local attorney or judge prepared to discuss the basics of contracts and the adversary system.
- Sufficient copies of Handouts 6A through 6D for all students.
- A chalkboard or flip chart.

## Procedures

### Activity 1. Vocabulary

1. Reproduce and distribute a copy of Handout 6A for each member of the class.
2. Word Rap: Read each word and ask a student to read its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Adversary System**–a judicial process in which each side of a dispute presents its own view of the law and evidence. After both opposing views are presented, a judge or jury decides the dispute.

   **Small claims court**–a low cost and simple way for disputes over small amounts of money to be settled.

   **Plaintiff**–the person bringing the suit.

   **Defendant**–the person being sued.

   **Contract**–a legal agreement between two or more parties. To form a contract requires an offer, acceptance of the offer, and **consideration** (something of value given in exchange for something else).

### Activity 2. How a Small Claims Court Works

1. Read aloud to the class, or have a student read aloud "How a Small Claims Court Works" on Handout 6A.
2. Review the reading with the following questions:

   What is the main purpose of the small claims court?

   What are the main advantages of small claims court?

   What are some disadvantages of small claims court?
3. Have the resource person discuss any questions that arise.

### Activity 3. Small Claims Court

1. Count off the class 1,2,3. Tell the class that all "ones" are judges, all "twos" are plaintiffs, and all "threes" are defendants. Any students remaining can be assigned to one

of the groups to act as reporters. The reporter can briefly write the facts and the judge's decision and report to the class after the case has been heard. If a group has no reporter, the judge should report on the case to the class.

2. The entire class should work on Case 1, *"Crandall's Bakery* v. *Smith"* from Handout 6C. If time permits, conduct the second case, *"Flores* v. *Rios"* on Handout 6D. Make sure the students taking the roles of attorneys know which side they are representing.
3. Have all the judges meet together. Give each judge a copy of Handout 6B, "Judge's Instructions," and have them read it. They should also read Case 1 and together discuss how they are going to run their courts. They should prepare questions to ask the plaintiff and defendant.
4. The plaintiffs should all meet together, read their case, and prepare their arguments for the judge. The defendants should do the same. Monitor their progress and provide suggestions, if necessary. After everyone has prepared, break up into separate groups and instruct the judge in each group to begin the case.
5. The plaintiff speaks first and has two minutes to speak to the judge, who will then ask him or her questions. The defendant then presents his or her case for two minutes. The judge should also question the defendant.
6. After everyone has spoken, each judge should make a decision considering carefully what he or she has heard, but should not announce the decision except to the reporter.
7. Reassemble the class and ask each judge or the reporter to tell the class the decision and the reasons for it. Have the class discuss whether or not they agree with the decisions. Involve the resource person in the debriefing, using the debriefing questions below.
8. Repeat the process for the second case, "Flores v. Rios," on Handout 6D.

## Debriefing Questions

1. Do you think the process of small claims court is a fair one? Explain.
2. Why did some judges decide the cases differently?
3. Is the adversary system a good way to decide legal issues?

## Teacher Talk

1. One teacher included a video of *"Peoples' Court"* taped from TV.
2. Students can create and write up their own cases to simulate.

STUDENT MATERIALS HANDOUT

# 6A

## Lesson 6. How A Small Claims Court Works

# WORD RAP

The following words are used in this lesson. Read them carefully and be prepared to discuss them.

**Adversary system**–a judicial process in which each side of a dispute presents its own view of the law and evidence. After both opposing views are presented, a judge or jury decide the dispute.

**Small claims court**–a low cost and simple way for disputes over small amounts of money to be settled.

**Plaintiff**–the person bringing the suit.

**Defendant**–the person being sued.

**Contract**–a legal agreement between two or more parties. To form a contract requires an offer, acceptance of the offer, and **consideration** (something of value given in exchange for something else).

"Small claims court is a fast and inexpensive way to settle a consumer claim."

*Bob sold some baseball cards to Alan. He says Alan was supposed to pay him $100 for the cards and wash his car. but Alan only paid $50 and refused to wash the car. Alan says the card set was supposed to contain a valuable Willie Mays card and Bob kept that card. So he wont't pay full price. How can they settle this dispute?*

People often have disputes like this about contracts or purchases. One way to settle these disputes is to go to court. However, the typical court case can be very slow and cost a lot of money for attorney fees and filing papers. This process is usually not practical when only small amounts of money are involved. Every state has a special court, called Small Claims Court, for small consumer actions.

Small claims court is a fast and inexpensive way to settle a consumer claim. You do not need an attorney for small claims court, and in most states, attorneys cannot be used. The main requirement to file a small claims suit is to claim that someone owes you money. The limit is different from state to state, ranging from $500 in Texas to $5,000 in Tennessee. The limit in California is $2,500.

It is very easy to use small claims court. Filing a suit usually costs about five dollars, although fees vary from state to state. Most states require a person to be over 18 to file a suit. If you are younger, an adult must go with you when you file a suit. Typical procedures at small claims courts have the following steps: First, contact the court clerk and fill out the forms explaining the name and address of the person you are suing, why you are suing, and for what amount. Pay the small filing fee. Then the person who is being sued, the defendant, must be notified. You may be required to serve

the person with the required documents. This is called service of process. With notification, the court will set a date for a hearing when both parties should appear.

After filing and notification, it is time to prepare your case. A small claims court uses the adversary system, which means both you and the defendant will have the opportunity to present your version of the facts. Both sides can also present evidence such as documents and witnesses to support their case. Collect any written agreements, receipts, canceled checks, or sales slips needed to show that the defendant owes you money. Remind your witnesses to come to court. If a witness won't testify, you can ask the court for a subpoena, which is a court order to appear.

The third step is to go to the hearing and present your evidence and witnesses to the judge. It is important to be on time and prepared for your case. The judge may ask you some questions. The defendant has the same opportunity to present his or her case to the judge. The judge will consider all the evidence and will probably make a decision that day. If not, the court will notify you of the decision.

# HANDOUT 6B

## Judge's Instructions

1. Read the case assigned to you and prepare questions to ask the plaintiff and defendant. Begin the case when the teacher instructs you to do so.
2. Ask the plaintiff and defendant to introduce themselves. Explain that you will hear two minutes of testimony and consider evidence from each. The plaintiff goes first, then the defendant. You may also ask each of them questions.
3. Explain that they are to present their evidence and testimony in a calm manner. No outbursts or name-calling will be allowed.
4. In Scenario 1 you should consider whether the case involves a valid contract. A contract may be written or oral and consists of an offer, acceptance and consideration.
5. After you have heard from the plaintiff and defendant and asked any questions, you should make your decision, but do not announce it to the class. Tell your decision only to the reporter, if your group has one.

# HANDOUT 6C

## Small Claims Court: Case 1 *Crandall's Bakery v. Smith*

*In the following exercise you will learn how a small claims court works by acting one out in your classroom. You will get the chance to play the judge, the plaintiff (the person bringing the suit) or the defendant (the person being sued).*

Maceo Smith wants to have a special party for the 13th birthday of his daughter Marina. He goes to Crandall's Bakery and orders a special cake for the birthday party. He looks through a book with different cake designs and chooses one. He wants the cake decorated with the words, "Happy 13th Birthday Marina." Mr. Crandall, the bakery owner, says the cake will cost $50.00. Mr. Smith agrees and Crandall fills out a cake order which is signed by Mr. Smith.

The day of the birthday party, Mr. Smith goes to the bakery to pick up his cake. He doesn't like what he sees. Instead of "Happy 13th Birthday Marina," the cake is decorated with the words, "Happy 13th Birthday Mareen." Mr. Smith demands to see Mr. Crandall and tells him that the cake has the wrong name. Crandall shows Smith the cake order he signed. "We have a deal. You signed this and it says "Happy Birthday Mareen," Crandall says. "You wrote the wrong name down," replies Mr. Smith. Crandall explains that the error was Mr. Smith's and he will have to pay for the cake. Smith refuses and leaves the store without the cake. He later gets a notice that Crandall has filed a lawsuit against him for $50.00.

■ **In this case, Mr. Crandall is the plaintiff and Mr. Smith is the defendant.**

# HANDOUT 6D

## Small Claims Court: Case 2 *Flores v. Rios*

Dolores Rios hires Richard Flores to paint the outside of her home a light blue color. She promises to pay him $2,000 for the job. Several weeks after they agree on the job, Flores begins work on the house. Although the house is small, it takes Mr. Flores more than two weeks to complete the job.

Several times while the house is being painted, Mr. Flores is approached by Ms. Rios with complaints about how long the job is taking and about the color of the paint being used. Ms. Rios says that the paint is much darker than the paint she wanted, and is not the color the two of them agreed upon. Mr. Flores assures her that it is the color she wanted and that she will be satisfied when the paint completely dries.

After Mr. Flores completes his work, he asks Ms. Rios for his money. She tells him that she does not like the work he has done, especially the fact that he painted her house a different color than the one they agreed on. She says she will pay him only $500. Mr. Flores sues Ms. Rios in small claims court for the additional $1,500 he believes he is owed.

■ **In this case, Mr. Flores is the plaintiff and Ms. Rios is the defendant.**

# INSTRUCTOR MATERIALS

## Lesson 7. Youth for Hire

### Overview

This lesson focuses on the relationship between business and young employees. The problem of job hunting, job restrictions on youth employment, and employment discrimination are described from the perspective of young people. The lesson also shows the employer's point of view in hiring youth, especially concerning experience, necessary job skills, and workplace discipline.

### Objectives

As a result of this lesson, students will be able to:

1. Describe three ways in which the law affects employment.
2. Describe two actions to take if they believe their rights are violated on the job or in seeking employment.
3. Explain three major responsibilities of a job applicant or employee to an employer.

### Materials/Resources

- A resource person such as a civil rights attorney familiar with legal issues of employment or the employment officer of a local company.
- Sufficient copies of Handouts 7A through 7E for all students.
- A chalkboard or flip chart.

### Procedures

### Activity 1. Vocabulary

1. Reproduce and distribute copies of Handout 7A for each member of the class.
2. Word Rap: Read each word and ask a student to read its definition. Make sure the class understands the meaning of the word and ask students to keep the words in mind as the lesson progresses.

   The words are:

   **Minimum wage**–by law, the lowest amount employers can pay employees, with some exceptions. Currently this is $4.25 per hour.

   **Minor**–any person under the age of 18.

   **Work permit**–an identification card issued in some states that identifies someone permitted to work (such as a qualified minor) and gives other important information.

   **Social Security**–a federal program that provides qualified workers with retirement pay, disability payments, and death benefits.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Have students read the "Youth for Hire" on Handout 7A and answer any questions they may have.

### Activity 3. Job Survey

1. Survey your class to find out which students have had a job. List the types of jobs they have held on the chalkboard or flip chart.
2. Ask the students who have had a job what they think are the main reasons their employer hired them and kept them on the job. List the reasons on the chalkboard or flip chart and discuss them using the following questions:

   A. What do you think are the most important qualities an employer looks for in hiring a young employee?

B. What are the main problems young people face in trying to get a job?

## Activity 4. Do the Right Thing

The purpose of this exercise is to give students some knowledge about legal rights and responsibilities in hiring and in the workplace.

1. Take a few minutes to review Handout 7B, "Employment Law Fact Sheet" with the students.
2. Have a student read aloud one of the cases, Handouts 7C, 7D, or 7E. The class should then decide, using the employment law fact sheet, whether or not the case contains any violation of employment law.

   **Ask: Is there any violation of the law described in this story?**

   List any violations the class finds on the chalkboard or flip chart. Follow the same procedures for the other two cases. The following are sample answers:

   Case 1: There is no evidence of illegal discrimination in this case. Robert is inappropriately prepared for his interview and fails to make a positive impression.

   Case 2: There is an arguable case of discrimination in this case. Jeanine performed better in the bank's training course and has greater seniority than the candidate hired. However, employers can use subjective factors such as personality or ability to work with others in making employment or promotion decisions as long as they are not racially, ethnically, or gender based. To prove that discrimination did take place would probably require more evidence, such as past hiring practices or statements by the hiring officers.
3. Discuss the answers with the resource person for comparison.

## Teacher Talk

1. Following the lesson, have students fill out sample job applications, write a personal resume, and practice interviewing techniques.
2. Use employers as resource persons to discuss employment and answer questions.

# 7A

## Chapter 7. Youth for Hire

# WORD RAP

The following words are used in this lesson. Read them carefully and be prepared to discuss them.

**Minimum wage**–by law, the lowest amount employers can pay employees, with some exceptions. Currently this is $4.25 per hour.

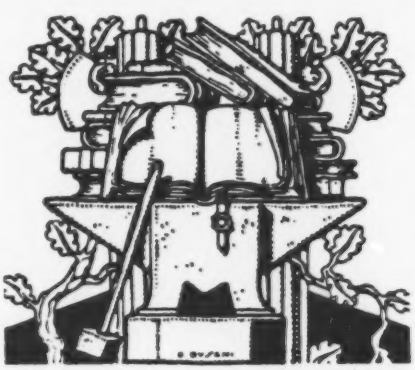
**Minor**–any person under the age of 18.

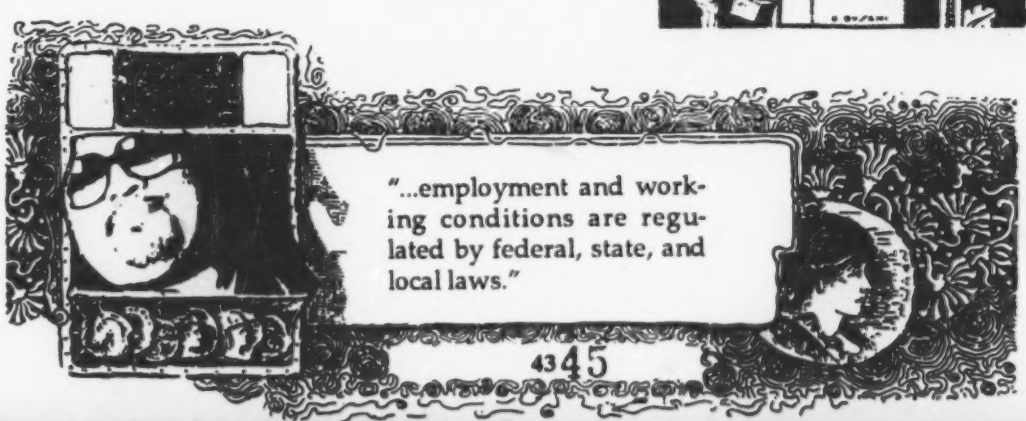
**Work permit**–an identification card issued in some states that identifies someone permitted to work (such as a qualified minor) and gives other important information.

**Social Security**–a federal program that provides qualified workers with retirement income, disability payments, or death benefits.

### Introduction

The U.S. work force is made up of more than 100 million people. Working people are essential to the U.S. economy as producers, and also as consumers–people who buy products–and as taxpayers. Because work is so important to our society, employment and working conditions are regulated by federal, state, and local laws. These laws govern a variety of employment issues including minimum wages, health and safety in the workplace, and discrimination. These laws can have a major impact on young people looking for work or who are already on the job. In this lesson you will learn about some of the basic rights and responsibilities of employees and employers in job seeking and hiring, and what legal protections exist against employment discrimination.





# HANDOUT 7B

## Employment Law Fact Sheet

1. Most workers are protected by the United States Fair Labor Standards Act which requires that all employees receive a minimum hourly wage. The current minimum wage is $4.25 per hour. Some jobs are not covered by this law.
2. The United States Fair Labor Standards Act also allows employers to pay certain types of workers under 20 years of age less than minimum wage for up to 90 days. This is called a **training wage.**
3. Some employers can pay less than the minimum wage if their employees receive tips to make up the difference.
4. State and federal laws set the number of hours a minor may work during the day. Twelve- and thirteen-year-olds are not allowed to work on school days. Fourteen- and fifteen-year-olds are allowed to work three hours each school day. Sixteen- and seventeen-year-olds may work four hours on school days.
5. Minors under 18 are not allowed to work in jobs legally defined as hazardous. These jobs include working with explosives, power-driven baking machinery, excavation (digging) tools, and wrecking machinery.
6. Some states require minors to obtain a work permit. A work permit is an identification card issued in some states that gives important information. A work permit usually lists a minor's name, age, social security number, home address, birth date, and other facts. A work permit allows the minor to be hired by an employer.
7. The Federal Immigration Reform and Control Act of 1986 requires all employers to confirm whether job applicants are U.S. citizens or have employment authorization.
8. Some states allow employers to refuse jobs to an applicant because of prior arrests. Other states do not allow employers to turn down applicants for this reason.
9. The Civil Rights Act of 1964 [Title VII] forbids discrimination in employment based on race, color, sex, religion, or national origin by businesses with more than 15 employees or by labor unions. It also forbids state and local government from discriminating based on the same criteria.
10. Social Security is a federal program that provides qualified workers with retirement pay, disability payments, and death benefits. This program is funded through contributions from the employer and the employee.
11. Employees who think they have been victims of discrimination because of sex, race, religion, color, or national origin can contact the U.S. Equal Employment Opportunity Commission. Because some civil rights laws require an employee to file within a certain time limit, the complaint should be filed as soon as possible. These cases can be difficult to prove.

# HANDOUT 7C

## Case 1

Robert Sheen, a 16-year-old Latino immigrant, is applying for a job as a stock clerk at Short's Drug Store. Robert has a Green Card, which is an immigration document allowing him to live and work in the U.S. He has worked before on weekends at a fast food restaurant. He arrives at the store's personnel office wearing a wrinkled shirt and jeans ripped at the knees. His hair is long and tied in a pony tail. Robert has to borrow a pen to fill out the application form and a phone book to look up addresses and phone numbers for his references.

Robert is interviewed by Ms. Alston, the store's personnel manager. During the interview, Robert stares down at the floor and speaks in such a low voice that Ms. Alston has to ask him three times to speak louder. Ms. Alston decides not to give Robert the job.

■ **Is there a violation of the law described in this story? If so, why is it a violation?**

# HANDOUT 7D

## Case 2

Jeanine Martin, a 22-year-old African-American, has worked as a clerk at the Avon Bank for two years. While working at the bank, Jeanine has taken several business classes at a local community college. She also passed in the top ten percent of a weekend class offered by the bank called "Becoming a Loan Officer." When she applies for a promotion to loan officer, she is denied in favor of a white male employee who has worked at the bank just over a year and scored lower in the bank's loan officer course. Her supervisor explains to Jeanine that she was just not aggressive enough for the loan officer position.

■ **Is there a violation of the law described in this story? If so, why is it a violation?**

# HANDOUT 7E

## Case 3

Seventeen-year-old Ben Tillis works as a janitor at the Whitworth Bakery, a large company employing 200 workers. Ben is paid $4.00 per hour and works 32 hours per week. He has worked at the bakery for 7 months, has missed 6 days of work, and is late for work at least once a week. When an opening becomes available as an operator of a power-driven bread slicing machine, Ben applies for the job. His supervisor turns down his application.

- **Is there a violation of the law described in this story? If so, why is it a violation?**

# INSTRUCTOR MATERIALS

## Lesson 8. Housing and the Law

### Overview

In this lesson, students will examine some of the laws and issues relating to landlord/tenant law. First, they will analyze rental listings in a newspaper. Then, in a group activity, students learn about some of the laws affecting housing and suggest options for dealing with landlord/tenant problems.

### Objectives

As a result of this lesson students will be able to:

1. State two main rights and two main responsibilities of a tenant.
2. Name two main rights and two main responsibilities of a landlord.
3. Give two examples of housing discrimination.
4. Give two examples of what to do in case of housing discrimination.

### Materials/Resources

- Copies of the classified section of a local newspaper listing housing rentals.
- A resource person from the local Fair Housing Office or an Attorney who practices landlord/tenant law.
- Sufficient copies of Handouts 8A through 8G for all students.
- A chalkboard or flip chart.

### Procedures

### Activity 1. Vocabulary

1. Reproduce and distribute a copy of Handout 8A for each member of the class.
2. Word Rap: Read each word and ask a student to read its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

The words are:

**Landlord**—a person who owns property and rents or leases it to others.

**Tenant**—a person who pays rent to occupy land, a building, or a house.

**Discrimination**—a showing of illegal prejudice in treatment.

**Lease or rental agreement**—a contract between a landlord and tenant to use property for a specific period of time and for fixed payments.

**Mediation**—a voluntary way of resolving conflicts with the help of a third party.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Have students read "Housing and the Law" on Handout 8A and discuss any questions students may have.

### Activity 3. Searching for a Place to Live

This lesson will help students understand some of the factors that go into choosing a place to rent, as well as some of the reasons a landlord might have for accepting or rejecting a renter.

Distribute classified sections of your local newspaper listing home and apartment rentals. Then discuss these questions:

1. If you were looking for an apartment, which ones do you think you would call about? Why?
2. What questions would you ask the landlord?
3. What would you want the landlord to know about you?

## Activity 4. Housing Rights and Responsibilities

This lesson will help students learn about some of their basic rights and responsibilities as tenants and what to do if they feel there has been housing discrimination.

1. Reproduce and distribute copies of Handouts 8B through 8G for all students. Explain that each pair of handouts contains a fact sheet on one aspect of housing law, and it contains one case study relating to that fact sheet.
2. Review the first fact sheet, Handout 8B, with the group as a whole. Then apply the facts to Case 1, Handout 8C. Make sure the students understand the issues involved.
3. Divide the class into groups of three to five students each. Explain that each group will analyze landlord/tenant problems using the fact sheets and case studies for Case 2 and Case 3. Each group will try to suggest solutions. Have each group review the cases and answer the questions that follow them.
4. Reassemble the class and call on each group to describe its cases, and report its findings. Ask the outside resource person to comment on how the case might be handled, using the following debriefing questions:

   A. Have you or your family had a conflict with a landlord? How was it resolved? Based on what you have learned from this lesson, could it have been resolved differently?

   B. What are two characteristics of a good tenant?

   C. What are two characteristics of a good landlord?

### Teacher Talk

1. The teacher can also use a rental manager as a resource person to cover rental and lease agreements and answer questions.
2. Bring in a copy of an actual rental or lease agreement to read and review. Many are on standard forms. Explain any items the students don't understand.

# 8A

## Lesson 8. Housing and the Law

# WORD RAP

The following words are used in this lesson. Read them carefully and be prepared to discuss them.

**Landlord**–a person who owns property and rents or leases it to others.

**Tenant**–a person who pays rent to occupy land, a building, or a house.

**Discrimination**–a showing of illegal prejudice in treatment.

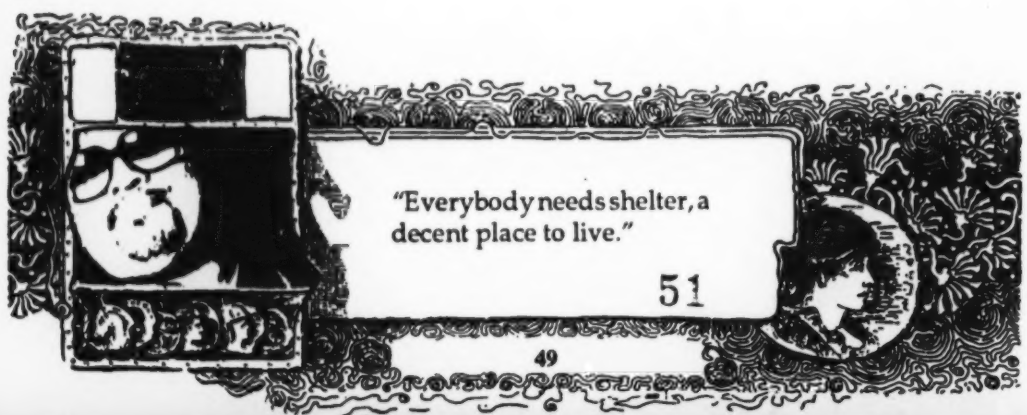
**Lease or rental agreement**–a contract between a landlord and tenant to use property for a specific period of time and for fixed payments.

**Mediation**–a voluntary way of resolving conflicts with the help of a third party.

The question of affordable housing has become a major issue in the United States. The rising cost of homes, high rents, and homelessness have provoked discussion and debate about this problem. Everyone needs shelter, a decent place to live. At one time or another, almost all of us will rent a place to live, so it is important for everyone to know about the rights and responsibilities of landlords and tenants. This lesson will provide basic information about housing and the law and the rights and responsibilities of anyone seeking to rent a house or apartment.

Most landlord/tenant law in the U.S. finds its roots in English common law. In common law, the landlord is usually favored over the tenant, and most housing law in the U.S. also favors landlords. But recently many states have changed their laws to help balance the rights and responsibilities of landlord and tenant.

Since most landlord/tenant laws are created at the state and local level, they can differ widely from place to place. However, many of these laws are based on principles that are the same in most or all states. We will take a look at some of these principles in this lesson.



# HANDOUT 8B FACT SHEET 1

## Security Deposits

1. Read your lease carefully. Before signing it, check the apartment for damages and problems. List them all. Give the list to the landlord and go over it with him or her. Keep a copy of the list for your records. This list may be important to prove that you did not cause the damage.
2. Get a receipt for any money you give the landlord. Keep the receipt for your records.
3. In many places you have the right to interest on your security deposit. Ask your landlord for this money.
4. Before moving out, inspect the apartment and make a list of all damages. Make the inspection with a friend who can serve as a witness if needed.
5. Clean the apartment and clear out all trash. Fix any damage you may have caused and try to leave the apartment in the condition in which you found it when you moved in.
6. When you move out, landlords can keep all or part of the security deposit for damages to the apartment caused by the tenant. This might include broken fixtures or windows and damage to the walls and floors. In most states, the landlord cannot charge for normal wear and tear such as faded paint, leaky faucets or worn carpet.

# HANDOUT 8C CASE 1

## "I Want My Money Back"

Raul Lara rents a two-bedroom apartment with his wife and two young children. Raul paid a $500 security deposit when he moved into the apartment. Raul and his family are moving to a new apartment closer to his job. He gave his landlord 30 days notice that he was moving. After cleaning their apartment, Raul asks the landlord for the return of his security deposit. When the landlord inspects the apartment, he complains about nail holes in the wall where the Laras hung some pictures. He also points out several dark stains on the apartment carpet and insists that he will have to replace the entire carpet. Although their lease agreement makes no mention of stains on the carpet, Raul tells the landlord that the stains were on the carpet when he moved into the apartment. The landlord tells Raul that the repairs will cost more than $500 and he refuses to return the Lara's security deposit.

1. If you were Raul, what reasons would you give for the return of the security deposit?
2. If you were the landlord, what reasons would you give for keeping the security deposit?
3. What could each of the parties have done to prevent this problem?

# HANDOUT 8D FACT SHEET 2

## Leases

1. A lease or rental agreement describes the amount of rent that must be paid and the length of time for which the dwelling may be rented.
2. Most leases favor the landlord. Never sign a lease without reading it carefully first. If you can't read or understand it, ask someone to explain it to you before signing it.
3. A lease describes the rights and duties of the landlord and tenant. The law differs from state to state, so it is best to find out about the laws in your state.
4. A tenant has the duty to pay rent on time and keep up the property. The landlord has the duty to keep property fit for humans to live in and make sure that tenants have the right to quiet enjoyment.
5. Your state or city might have rent control which limits, on certain dwellings, the amount rent can be increased each year. Check your local housing laws to find out if your city has rent control.
6. Some leases require tenants to obey all present and future rules that landlords make concerning the apartment. In most cases these rules are quite reasonable, but in some cases they aren't. Read all the rules and regulations carefully before you move into a building or you may lose your security deposit or be evicted for violating the apartment rules.

# HANDOUT 8E CASE 2

## "Heavy Metal Mix-up"

Suzi Shock loved one thing more than anything else. She loved heavy metal music and loved to play it on her guitar. Her band, The Raging Handmaidens, played every Tuesday at a local club and needed lots of practice to make a breakthrough. She and members of the band rented a detached apartment at the rear of a single family home. The lease stated, "Tenants are not to play loud music or instruments after 10:00 p.m." Because most of the band members had restaurant jobs, the only time they could all practice was after 10:00 p.m., and they did. As a result, the landlord received numerous complaints from neighbors. After these complaints, the landlord told Suzi that she would have to follow the rules or move out at the end of the next month.

1. Does the landlord have the right to evict Suzi and the band?
2. What can Suzi do to resolve the problem?
3. What would you advise Suzi to do?

# HANDOUT 8F FACT SHEET 3

## Remedies for Tenants

**The following are different ways that a tenant can try to resolve a dispute with a landlord:**

1. **Work with your landlord.** Ask your landlord or apartment manager to make any repairs or fix other problems with your apartment.
2. **Go to a government agency.** Take your complaint to a local housing agency, or to the state or federal Fair Housing Agency.
3. **Get help from your fellow tenants.** If the tenants in your apartment have common complaints against the landlord, you can organize a tenant's group and collectively approach your landlord. Your local legal aid office may be able to provide help for tenants' organizations.
4. **Ask for mediation.** Mediation is a voluntary form of conflict resolution which can sometimes help you avoid dealing with government bureaucracy, or paying expensive attorney's fees. Your local government may offer mediation services, or you may be able to get help from a private dispute resolution program.
5. **Sue the landlord.** If the landlord owes you money when you move out, suing your landlord in small claims court is one possible remedy where the amount in question is relatively small.
6. **Move out.** If you decide to move out, it is important to follow the conditions of the lease or local law, such as providing adequate notice, to avoid paying additional rent.

# HANDOUT 8G CASE 3

## "The Snooping Landlord"

Maria and her husband Mike moved into an apartment that was perfect for them. The rent was reasonable, there were two bedrooms and the building was well maintained. Only one problem spoiled a perfect situation: the landlord, Mrs. Marx, lived in the apartment next door and made things difficult. Though she seemed to like Maria and Mike, she bothered them. She watched from her window when they left or came home. She would stop by for a visit whenever friends came over for dinner or a party. Sometimes she would enter their apartment when they were at work, always saying that she was inspecting for one thing or another. After a while things got very tense. Mike told Maria that Mrs. Marx was just old and lonely. Maria felt that she was a snoop and that something had to be done.

1. What remedies do Maria and Mike have?
2. What would you advise Maria and Mike to do?
3. How could the problem have been prevented?

# INSTRUCTOR MATERIALS

## Lesson 9. The Family and the Law

### Overview

In this lesson students learn about the legal responsibilities of family members. Then, in a study of a Supreme Court case, students examine a controversial issue relating to families. In doing so, students will develop a better understanding of the different societal interests that our legal system tries to balance and protect.

### Objectives

As a result of this lesson, students will be able to:

1. Describe two main responsibilities of parents and two main responsibilities of children under family law.
2. Generate arguments and practice analyzing a Supreme Court case.

### Materials/Resources

- Sufficient copies of Handouts 9A through 9C for all students.

### Procedures

### Activity 1. Vocabulary

1. Reproduce and distribute copies of Handout 9A for each member of the class.
2. Word Rap: Read each word and ask a student to read its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Child abuse**–a parent or guardian causing physical, emotional, or sexual harm to his or her minor child.

   **Child neglect**–the failure of a parent or guardian to properly feed, clothe, house, educate, or meet the medical needs of a minor child.

   **Family**–a group of people related to one another by blood, marriage, or adoption.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Ask the students to brainstorm the main responsibilities of parents and the main responsibilities of children. After they have done so, ask them to select and prioritize the two main responsibilities for parents and children.

### Activity 3.

1. Have students read "The Family and the Law" on Handout 9A and discuss it, using the following questions:

### Discussion Questions

1. Why does our society have such great concern for the family?
2. Do you agree with the legal definition of a family? Should it include other kinds of relationships?
3. What are some common disputes that can arise within a family? Which of these do you think are a private matter? What decisions and disputes might be regulated by law?

### Activity 3. Responsibilities

1. Reproduce and distribute Handout 9B, "Responsibilities." This reading provides basic information about the legal responsibilities of parents and children. Have students read the first half, "Parents," first and then ask the following questions. List the students' responses on the board.

   What legal responsibilities do parents have?

If you were a parent, what additional responsibilities would you expect to have?

Then ask students to read the second half, "Children," and ask:

What legal responsibilities do children have?

If you were a parent, what additional responsibilities would you expect of your children?

Conclude the discussion by asking students to compare their earlier list of the most important responsibilities of parents and children with what they have learned from the lesson.

## Activity 4. Case Study

1. Explain that laws affecting families can come from a number of sources—state and federal legislatures, plus county and city governments. Also explain that courts decide how laws will be applied in family situations. As the highest court in the land, the U.S. Supreme Court interprets the Constitution to determine whether laws are valid. Explain to the students that they are going to examine a real Supreme Court case to see how this works in relation to family law.
2. Distribute and have students read the Introduction to "A Case of Controversy" on Handout 9C. Then ask:

   What has the Supreme Court ruled about a woman's right to an abortion?

   According to the Supreme Court, what restrictions can be placed on this right?
3. Now have the students read the case, *Hodgson v. Minnesota*, that follows the introduction. Then conduct a discussion asking:

   What happened in this case?

   Continue questioning until the students have identified the main facts. Students may have a tendency to leap to opinions or skip arguments. If they do, ask them instead to provide a fact. Write on the board the facts identified.

   Who is arguing that the law is unconstitutional? Who is arguing that the law is constitutional?

   In your own words, what is the issue in the case?

   *(Examples might include: Under the Constitution, do minors need to tell both parents about having an abortion? )*
4. Now state the following issue:

   **Are state regulations requiring the notification of both parents, even if a judicial bypass is an option, an unreasonable restriction on a minor's right to an abortion?**

   Discuss this issue, asking:

   What arguments can you make that two parent notice was unreasonable? What hardships might it place on a minor? What situations would make it difficult or impossible to do?

   *(Students might mention parents living apart or in different states, or bad relations with one or both parents.)*

   What arguments can you make that the two-parent notice was not unreasonable? What benefits might result from the rule?

   *(Students might mention family support, communication, or advice in making a difficult decision.)*

   What arguments can you make that the judicial bypass option would protect the minor from unreasonable results?

   *(Responses might include that the judge can make sure that it would not be too difficult if one parent can't be found or if the minor would be endangered.)*

   What arguments can you make that the judicial bypass option would not protect the minor from unreasonable results?

*(Students might argue that minors might be afraid, or wouldn't trust the judge and would not use the option, or that the judge would not protect them.)*

If you were a member of the Supreme Court, how would you decide the issues? Have several students state and support a decision. Then, ask for a straw vote to see how the class would decide.

## Debriefing

Explain that in the Hodgson case, the Court, in a very divided opinion, ruled:

1. Two-parent notice was unreasonable because there were too many situations that made it impossible for a minor to contact both parents.
2. However, the Court said the law itself was not unconstitutional because it contained the judicial bypass which would protect a minor from unreasonable circumstances.

Then ask:

Do you think the Court made a good decision? Why or why not?

What results do you think the decision might have? Why?

## Teacher Talk

This lesson can be used with the video *Roe vs. Wade*, available from Zenger Video, 10200 Jefferson Blvd., Room 992, P.O. Box 802, Culver City, CA 90232-0802.

STUDENT MATERIALS HANDOUT

# 9A

## Lesson 9. The Family and the Law

# WORD RAP

The following words are used in this lesson. Read them carefully and be prepared to discuss them.

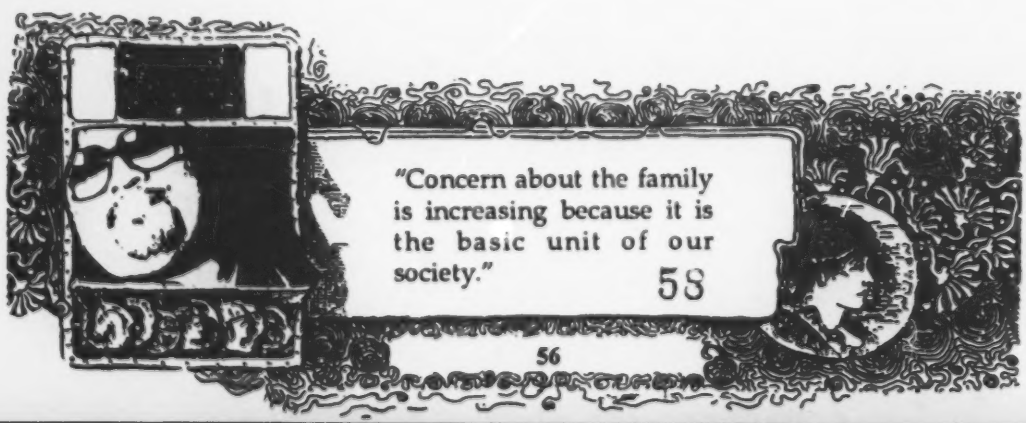
**Child abuse**—a parent or guardian causing physical, emotional, or sexual harm to his or her minor child.

**Child neglect**—the failure of a parent or guardian to properly feed, clothe, house, educate, or meet the medical needs of a minor child.

**Family**—a group of people related to one another by blood, marriage, or adoption.

Our society often expresses great concern for the family. Politicians often talk about the sanctity of the family, while television preachers make sad predictions about the destruction of the American family. Concern about the family is increasing because it is the basic unit of our society. The typical family is changing. There is a large increase in the number of working mothers and in the number of single-parent families.

People may have different ideas about what makes up a family, but legally the term "family" applies to any group of people related to one another by blood, marriage, or adoption. Although most decisions and disputes within families are a private matter, the law regulates many areas of family life. This area of law is known as family law. Every state has laws regulating marriage, divorce, and the basic rights and responsibilities of family members. This chapter covers two areas of family law: the rights and responsibilities of parents and children, and how a U.S. Supreme Court decision can affect the way families act.



# HANDOUT 9B

## Responsibilities

### Parents

The law does not regulate many of the responsibilities and rewards of being a parent. But the law does regulate some basic responsibilities of parents to their children, whether natural or adopted. One important legal responsibility is support. Parents must provide the basic needs of life, including food, clothing, and a place to live. Of course, the amount and quality of these will differ with the income of the family. In most states, the father has the main responsibility for providing financial support.

Parents are also required to provide care for their children. This care includes looking after the physical and emotional needs of children, providing a healthy and moral environment, and providing proper guidance and control. For example, it is the legal responsibility of the parents to see that their children attend school. To supervise and control their children, parents have the legal rights to use whatever reasonable means are necessary.

### Children

Children also have legal responsibilities to their parents. In fact, for almost every parental responsibility there is a matching child responsibility. For example, in return for their support and care, parents are entitled to have their children provide services for the family. This usually means helping around the house, care of younger children, and yard chores.

Another important responsibility for children is obeying their parents. This applies to normal everyday activities, though not to orders to do something illegal or dangerous. For example, parents have the right to tell children that they must attend school, come home by a certain hour, or avoid certain social groups.

# HANDOUT 9C

## A Case of Controversy

### Introduction

One of the most controversial issues facing America is abortion. Many people who oppose abortion believe that it is morally wrong and that it should be outlawed. People who support the right to an abortion believe that a woman should continue to have the right to determine whether or not to have a child. The U.S. Supreme Court, the highest court in the land, has ruled that a woman's right to have an abortion in the first three months of pregnancy is protected by the United States Constitution. However, the Supreme Court has approved some limitations: the right to an abortion can be restricted after the first three months and for minors. The Court held that state laws can force minors to notify a parent before having an abortion. This requirement to notify a parent can only be avoided by going before a judge. This procedure is called a judicial bypass. A bypass would be granted if the court believed that the minor was mature enough to make the decision herself, or that the parent had engaged in physical, sexual, or emotional abuse, or that the notice is not in her best interests.

The following case, *Hodgson v. Minnesota* (1990), shows how issues relating to the family can come before the U.S. Supreme Court. Read the case carefully and think about how to put its facts into your own words.

### *Hodgson v. Minnesota* (1990)

In 1981 the State of Minnesota passed a law which required that, before an "unemancipated minor" (a juvenile considered legally under the supervision of her parents) could receive an abortion, the doctor had to notify both parents of the minor at least 48 hours before the operation could take place. It did not matter if either of the parents were divorced, never married, or had no custody over the minor. Both still had to be notified, unless one parent had died. The law did allow for a judicial bypass of the two-parent notice by a court if the minor could show that she was "mature and capable of giving informed consent" to the abortion.

Two days before the law was supposed to go into effect, a group consisting of doctors, clinics, pregnant minors, and the mother of a pregnant minor filed a lawsuit with the federal district court. They claimed that the law violated the Constitution by placing too great a burden on the minor's right to an abortion and that it should not go into effect. On the other side, attorneys for the State of Minnesota claimed that the law was not an unreasonable restriction.

After eight years, the case reached the U.S. Supreme Court.

In making a decision in the case, the Court had to answer the following questions: Did the requirement to notify both parents, not just one, place an unreasonable restriction on a minor's right to an abortion? Did the judicial bypass option protect the minor from any unreasonable results of the requirement?

1. What was the law that started this controversy?
2. Who is arguing that the law is unconstitutional? Who is arguing that the law is valid?
3. In your own words, what is the issue in the case?
4. What arguments can you make that the two-parent notice was unreasonable? What hardships might it place on a minor? What situations could exist that would make it difficult or impossible to do?
5. What arguments can you make that the two-parent notice was not unreasonable? What are the advantages of two-parent notice?
6. What arguments can you make that the judicial bypass option would protect the minor from unreasonable results?
7. What arguments can you make that the judicial bypass option would not protect the minor from unreasonable results?
8. If you were a member of the Supreme Court how would you decide this case? Why?

# INSTRUCTOR MATERIALS

## Lesson 10. Can We Control Conflict? Or Does It Control Us?

### Overview

This lesson is about resolving personal conflict. It provides an introduction to basic conflict resolution techniques. Students will learn how to identify their own flash points, they will review techniques of active listening, and then they will practice selecting alternative solutions when conflicts develop. Students will work in small groups and role-play different conflicts to analyze alternatives. Although this lesson is designed to be completed in one session, the teacher has the option of dividing it into two parts on different days to reinforce the important concepts it contains. For example, the teacher could devote the first lesson to flash points and active listening, and in the second lesson briefly review those concepts and then introduce selecting alternatives and conflict role-playing.

### Objectives

As a result of this lesson, students will be able to to:

1. Identify issues that can lead to interpersonal confrontation;
2. Use basic techniques for active listening; and
3. Analyze and select alternative solutions to conflict.

### Materials/Resources

- Sufficient copies of Handouts 10A through 10D for all students.
- A chalkboard or flip chart to record student answers.

### Procedures

### Activity 1. Vocabulary

1. Reproduce and distribute copies of Handout 10A for each member of the class.
2. Word Rap: Read each word and ask a student to read its definition. Make sure the class understands the meaning of the word and ask them to keep the words in mind as the lesson progresses.

   The words are:

   **Flash point**—a word, phrase, or action that causes a conflict with someone else.

   **Alternatives**—different choices people have for settling conflicts.

### Activity 2. Introducing the Lesson

1. Review the objectives of the lesson with the class.
2. Review the following questions with your students. Write their answers on a chalk board or flip chart.

   What are the most common conflicts you experience?

   Why do most of your conflicts happen?

   Where do most of your conflicts happen?

   With whom do you usually have conflicts?

   What are your flash points? What words or actions make you angry?

### Activity 3. Generating Alternatives: Brainstorming Activity

1. Explain that an important step in controlling conflict is to work together to find possible solutions. A good technique for working together is called brainstorming. To do this, all participants get together and think up as many ideas as they can to resolve the problem. During the first stages of brainstorming, it is important to let everyone make suggestions and be creative without criticizing any of the ideas.
2. Distribute and have students read Handout 8B, "John and Abel." Then ask: How

would you describe the conflict between John and Abel?

When the conflict has been identified, explain that the class is going to brainstorm as many alternatives as possible for resolving the conflict. Tell students not to worry whether the ideas are good or bad at this point; the objective is to come up with as many as possible. Students should not criticize any of the proposed solutions at this point.

As suggestions are made, write them on the board. Encourage as many suggestions as possible. Examples might include: changing locker locations, John agreeing not to borrow things from Abel, agreeing to be more careful of one another's flash points, agreeing to let a third person help talk things over before they fight.

## Activity 4. Choosing the Best Solution

Explain that the second step in finding a solution is to examine the ideas and pick the best one. The idea must solve the problem and be acceptable to both sides. For each of the proposed solutions, ask: Will this idea help settle the conflict? How would John feel about the solution? How would Abel feel about the solution?

Based on these questions, ask the class to pick the best solution. If none are acceptable, ask the class to suggest additional solutions until the criteria are met.

## Activity 5. Group Activity: Applying the Process

Divide the class into groups of three to five students each. Reproduce and distribute copies of Handout 10C, "Turn Off That Radio." Explain that each group should read the case, brainstorm possible solutions, and pick the best one by answering the questions that follow the reading. To accomplish the task, appoint a group leader for each group. Explain that each group should work together to brainstorm solutions. In addition, each group member should be responsible for answering at least one of the questions that follow the reading. Give the groups a reasonable amount of time to accomplish the task and monitor their progress.

Reassemble the class and ask each group to propose its best solution. Discuss which solution best solves the conflict.

## Debriefing

Debrief the lesson by distributing and reviewing copies of Handout 10D, "Basic Steps in Conflict Management."

## Teacher Talk

1. One teacher had great success suggesting that her students use their own life experiences to develop stories for conflict resolution.
2. One teacher suggested that students keep a list of their own flash points and record ways to avoid them.

STUDENT MATERIALS HANDOUT

# 10A

## Lesson 10. Can We Control Conflict? Or Does It Control Us?

# WORD RAP

The following words are important for resolving conflicts. Read them carefully and be prepared to discuss them.

**Flash point**—word, phrase, or action that causes a conflict with someone else.

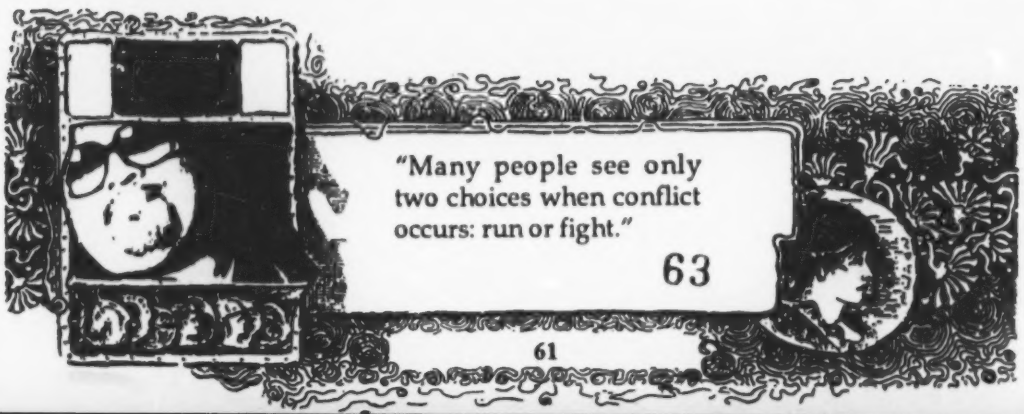
**Alternatives**—different choices people have for settling conflicts.

### Overview

This is a lesson about resolving personal conflicts. Conflict is a normal part of life. Large and small conflicts happen in our families, our schools, at work, and on the streets. Many people see only two choices when conflict occurs: run or fight. That can be called a "win-lose" situation, which means one person must win and the other must lose. It is usually possible, however, to find other solutions, many of which are "win-win" alternatives. This means both sides of a conflict can feel positive about its outcome. This lesson will help you understand how to control conflict, rather than letting conflict control you.

### For Discussion

1. What are the most common conflicts you experience?
2. Why do most of your conflicts happen?
3. Where do most of your conflicts happen?
4. With whom do you usually have conflicts?
5. What are your flash points? What words or actions make you angry?



## HANDOUT 10B

### John and Abel

John and Abel go to the same school and have lockers right next to each other. John often borrows from Abel–a book for a class, a brush to comb his hair, a tape of a popular rap group, a pen or pencil. Very often, John forgets to return what he borrows unless Abel reminds him to do so. One day, after John borrows some gum, Abel tells him, "Don't be such a bum, man! Start bringing your own stuff to school!"

John promises to do so, but a couple of days later he asks to borrow some notebook paper.

Abel slams the door to his locker and shoves John, shouting, "I've had it with you, man! Quit bugging me! Don't ever ask me for anything again!" John lunges back at Abel, insults him with an obscenity and punches him in the face. Before they can do anything else, a teacher steps in and breaks up the fight. Both boys are taken to the school office.

- **What are some possible solutions to the conflict?**

## HANDOUT 10C

### Turn Off That Radio

Mr. Tranh lives in a second floor apartment. He has lived there for sixteen years. He works at night at the post office and sleeps late in the morning. Three months ago, a young couple named the Roses moved in next door to Mr. Tranh. Exon Rose is a guitar player for a heavy metal band. He loves to practice his guitar at home and play his radio late at night.

Mr. Tranh has complained to Mr. Rose several times about playing his guitar and keeping the radio on too loud. "I can't sleep with all that noise," Mr. Tranh told Exon. Rose promised to turn down the volume on his amplifier and his radio and apologized for the problem.

Late one night, as Exon was playing his guitar along with some music from the radio, he heard a loud pounding on his door. When he answered, he found Mr. Tranh standing in his doorway holding a baseball bat. "If you don't shut off that music, I'm going to smash your equipment!" hollered Mr. Tranh. "Get out of my face old man!" responded Exon. Before they could do anything more, the apartment manager and a neighbor came running up and separated the two men.

- **What is the conflict between Mr. Tranh and Exon?**
- **What are some possible solutions to the conflict?**
- **Which of these solutions will end or lessen the conflict?**
- **Which of these solutions would be acceptable to Mr. Tranh?**
- **Which of these solutions would be acceptable to Exon?**

# HANDOUT 10D

## Basic Steps in Conflict Management

1. Each person tries not to get mad at his or her flash point.
2. People in conflict use active listening skills. Each person tells the other person what happened.
3. The people focus on the issue that is causing the problem—not on the people involved. What is the underlying problem? Identify the facts and issues. Parties listen to each other very carefully.
4. Each person thinks of possible solutions to the problem. Both people should think of as many solutions as possible. Do not try to decide whether or not they are good solutions immediately. Try to understand all the options.
5. Identify solutions that both people can accept. What is acceptable to both people? Remember to concentrate on the reality of the situation. Do not agree to something that is totally unrealistic.
6. Before leaving the other person, be sure to repeat the main points of the agreement just to be sure that you both understand. Sometimes it is even a good idea to write down the agreement.
7. Remember to go back to the person and discuss the problem again if the agreement does not seem to be working.

## ACKNOWLEDGEMENTS

Constitutional Rights Foundation would like to thank the following people (and their students) for their assistance with this book:

Bee Meers, Optimist School - Los Angeles
Judea Radcliffe, Richard Hobson - Angeles Plaza High School - Los Angeles
Don Lucero - East Los Angeles Community Day School
Sonia DeCencio, Cathy Fraser, Maryann Zeiser - Camden County Youth Center - Blackwood, NJ
EdWynn Weaver and Duane Lamoreaux - Southwest Utah Youth Center
Ron Lapointe - Cheviot Hills High School - Los Angeles
and Rita Morales, Esq. of Los Angeles, for her valuable insights into the juvenile justice system